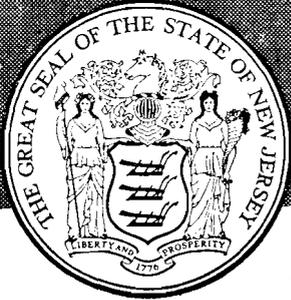


NEW JERSEY REGISTER



THE STATE'S OFFICIAL MONTHLY RULES PUBLICATION

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NOTICES OF RULE-MAKING ACTIVITIES OF STATE AGENCIES

(a)

CHIEF EXECUTIVE

THE GOVERNOR

Executive Order on Reorganization Plans Of Urban Loan Authority and Area Redevelopment Authority

On February 23, 1978, Governor Brendan T. Byrne, pursuant to authority of N.J.S.A. 52:14C-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, issued an Executive Order concerning the reorganization plans of the Urban Loan Authority and the Area Redevelopment Authority.

Full text of the reorganization plans follows:

REORGANIZATION PLANS FOR THE URBAN LOAN AUTHORITY AND AREA REDEVELOPMENT AUTHORITY

The Urban Loan Authority in the Department of Community Affairs is hereby abolished and all functions, powers and duties of said authority are hereby transferred to the New Jersey Economic Development Authority in, but not of, the Department of Labor and Industry. The Area Redevelopment Authority in the Department of Labor and Industry is hereby abolished and all functions, powers and duties of said authority are hereby transferred to the New Jersey Economic Development Authority in, but not of, the Department of Labor and Industry.

The Urban Loan Authority, established pursuant to the Business Incentive Loan Act, P.L. 1969, c.202, as amended (c. 52:27D-71 et seq.) provides loans, loan guarantees and technical assistance to businesses which are unable to obtain necessary financing on reasonable terms and are located in areas of high unemployment. The Area Redevelopment Authority, established pursuant to the New Jersey State Redevelopment Assistance Act, P.L. 1962, c. 204, as amended and supplemented, provides financial assistance to local area redevelopment agencies for projects which will expand employment opportunities and improve economic conditions in local redevelopment areas.

The Economic Development Authority, which was created in 1974, has facilitated tax exempt financing and, in some cases, provided loan guarantees for commercial and industrial development and capital facility improvements. The Economic Development Authority activities

have substantially expanded employment opportunities and economic growth, with many benefits accruing to urban areas of high unemployment. During the few years of its existence, the Economic Development Authority has become by far the most successful, expert, and dominant financial assistance agency in State government. By abolishing the smaller Urban Loan Authority and Area Redevelopment Authority, and transferring their respective functions, powers and duties to the Economic Development Authority, the State can more effectively support employment growth and urban economic revitalization. Also the expanded urban economic development role which has been assumed by the Economic Development Authority should incorporate the parallel activities of the Urban Loan Authority and Area Redevelopment Authority.

This reorganization plan concentrates economic development financial assistance functions in a single, effective agency; it eliminates duplication of effort by cabinet officers and staffs serving on the different authorities; and it streamlines financial assistance procedures by eliminating multiple applications for financial assistance and multiple loan reviews by the different staffs.

In accordance with the provisions of the Executive Reorganization Act of 1969, P.L. 1969, c. 203 (c. 52:14c-2), I find and declare that these abolitions, transfers and reorganization are necessary:

(1) To promote the more effective management of the Executive Branch;

(2) To reduce expenditures and promote economy to the fullest extent practicable;

(3) To increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;

(4) To group, coordinate, and consolidate agencies and functions of the Executive Branch, as nearly as practicable, according to major purposes;

(5) To reduce the number of agencies by consolidating those having similar functions under a single head, and to abolish such agencies as may not be necessary for the efficient conduct of the Executive Branch; and

(6) To eliminate overlapping and duplication of effort.

All acts and parts of acts inconsistent with any of the provisions of this reorganization plan are superseded to the extent of such inconsistencies. All transfers directed by this reorganization plan shall be effected pursuant to the "State Agency Transfer Act", P.L. 1971, c. 375 (c. 52:14D-1 et seq.).

A copy of this Executive Order proposing these reorganizations was filed on February 27, 1978, with the Secretary of State and is published herein pursuant to

NEW JERSEY REGISTER

The official publication containing notices of proposed rules and rules adopted by State agencies pursuant to the New Jersey Constitution, Art. V, Sec. IV, Para. 6 and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Issued monthly since September, 1969.

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N.J.S.A. 52:14C-4(c), to become effective on April 25, 1978, unless disapproved by the Legislature.

Take notice that, this Executive Order, if not disapproved, has the force of law and will be printed and published in the annual edition of the public laws by the Secretary of State but the text of this Executive Order will not be codified in Title 1 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

AGRICULTURE

DIVISION OF REGULATORY SERVICES

Rule Concerning Slurries and Suspensions

On March 3, 1978, Phillip Alampi, Secretary of Agriculture, pursuant to authority of N.J.S.A. 4:9-21.11 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 2:70-1.8, concerning slurries and suspensions, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 54(a).

An order adopting this rule was filed and became effective on March 6, 1978, as R.1978 d.81.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

BANKING

THE COMMISSIONER

Proposed Deletion of Rule Concerning Licensed Places of Business

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:11A-1 et seq., proposes to delete in its entirety the current text of N.J.A.C. 3:18-8.1 concerning banking institution or savings and loan association location prohibited and licensed places of business.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBCHAPTER 8. [LICENSED PLACES OF BUSINESS] (RESERVED)

3:18-8.1 [Banking institution or savings and loan association location prohibited] (Reserved)

[(a) A licensee is prohibited from engaging in the secondary mortgage loan business at a location which is utilized by a banking institution or savings and loan association as a main, branch or any other office, except that no licensee shall be prohibited from engaging in the secondary mortgage loan business at a location utilized by a banking institution, or savings and loan association, where the office and operations of the licensee are separate, apart and distinct from the offices and operations of the banking institution or the savings and loan association, and when employees of the banking institution or savings and loan association are not employed by or soliciting for the licensee.

(b) In the event a licensee is presently engaged in the secondary mortgage loan business at any such location or locations, the licensee shall have 60 days, unless extended by the commissioner for good cause shown, to relocate its offices, subject to the approval of the commissioner, otherwise said license(s) shall be surrendered to the commissioner for cancellation.

Statutory Reference
N.J.S.A. 17:11A-54a]

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Clifford F. Blaze
Deputy Commissioner
Division of Consumer Complaints,
Legal and Economic Research
P.O. Box CN 040
Trenton, N.J. 08625

The Department of Banking may thereafter adopt rules concerning this subject without further notice.

Virginia Long
Commissioner
Department of Banking

(c)

BANKING

THE COMMISSIONER

Proposed Amendments in Definitions Of Affiliate and Institution

Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to amend N.J.A.C. 3:1-11.1 concerning the definitions of affiliate and institution regarding the rules concerning restrictions on loans involving affiliated persons.

The proposed amendments concern the addition of a definition of "affiliate" and the current definition of "bank" is proposed to become the definition of "institution".

Full text of the proposed new text of N.J.A.C. 3:1-11.1 follows:

3:1-11.1 Definitions

The following words or terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Affiliate" means a corporation, association, partnership or any type of business organization whatsoever, in which the banking institution, association or holding company owns at least 20 per cent of the outstanding common stock unless the banking institution, association or holding company can rebut the presumption of the exercising of significant influence.

"Affiliated person" means the following:

1. Any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 per cent or more of any class of equity securities;
2. Any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as a trustee or in a similar fiduciary capacity;
3. A spouse of a director, manager or senior officer of an institution or an affiliate of an institution;

4. A member of the immediate family of a director, manager or senior officer of an institution or an affiliate of an institution.

"Immediate family" of any natural person means the following (whether by the full or half blood or by adoption):

1. Such person's spouse, father, mother, children, brothers, sisters and grandchildren;
2. The father, mother, brothers and sisters of such person's spouse; and
3. The spouse of a child, brother or sister of such person.

"Institution" means a bank as defined in N.J.S.A. 17:9A-1(1) and a State association as defined in N.J.S.A. 17:12B-5(1).

"Officer" means the president, any vice-president, the secretary, the treasurer, the comptroller, and any other person who participates in major policy-making functions of the institution.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Clifford F. Blaze
 Deputy Commissioner
 Division of Consumer Complaints,
 Legal and Economic Research
 P.O. Box CN 040
 Trenton, N.J. 08625

The Department of Banking may thereafter adopt rules concerning this subject without further notice.

Virginia Long
 Commissioner
 Department of Banking

(a)

BANKING

DIVISION OF SAVINGS AND LOAN

**Proposed Rule on Reporting of Possible
 Illegal Activity by Employees or Customers
 Of Savings and Loan Associations**

Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, proposes to adopt a new rule concerning the reporting of possible illegal activity by employees or customers of savings and loan associations.

Full text of the proposal follows:

**SUBCHAPTER 3. ACTION UPON DETECTION OR
 DISCOVERY OF CRIME**

3:26-3.1 Action upon detection or discovery of crime

(a) Every State association, including any service corporation which is owned, wholly or jointly, by a State association, shall immediately notify the commissioner by telephone of the detection or discovery of any embezzlement, defalcation, misapplication or misuse of funds by any director, officer, employee, attorney or agent of the State association or service corporation. As soon thereafter as is practical, the association's or service corporation's management or auditor shall submit to the commissioner a written report of the crime or crimes discovered or detected, including the names of the individuals involved, the extent of any loss, and the method used to effectuate the embezzlement, defalcation, misapplication or misuse. Compliance with the requirement

in this subsection for a written report shall be evidenced by insured associations by the filing of a copy of FHLBB form 366, and by non-insured associations by filing Department of Banking form No. S.L. 4.

(b) Every State association shall notify the commissioner in the manner described in subsection (a) of this section of every crime or criminal activity not related to the association or service corporation wherein any director, officer, employee, attorney or agent of the association was charged, indicted or convicted.

(c) Every State association shall notify the commissioner in the manner described in subsection (a) of this section of every crime either attempted or perpetrated against the association or service corporation by individuals other than an officer, director, employee, attorney or agent of the association, irrespective of the amount of loss. In the case of a robbery, burglary or non-employee larceny, compliance with this subsection shall be evidenced by the filing with the commissioner of a copy of FHLBB form P-2 as required by 12 C.F.R. §563a.5(c). In all other cases, and in all cases involving non-insured associations, compliance with this subsection shall be evidenced by filing with the commissioner, Department of Banking form No. S.L. 5.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

William B. Lewis
 Deputy Commissioner
 Division of Savings and Loan
 P.O. Box #CN040
 Trenton, N.J. 08625

The Department of Banking may thereafter adopt rules concerning this subject without further notice.

Angelo R. Bianchi
 Commissioner
 Department of Banking

(b)

BANKING

DIVISION OF BANKING

Amendments on Electronic Data Processing

On March 20, 1978, Angelo R. Bianchi, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:9A-253A and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J. A.C. 3:7-3.9(a)26. concerning electronic data processing, substantially as proposed in the Notice published February 9, 1978, at 10 N.J.R. 54(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Banking.

Full text of the adopted rule follows:

3:7-3.9(a)26. Electronic data processing servicer

i. The review of internal operating procedures and controls as they relate to data processing servicers shall encompass at least the following items, or analogous items, but not necessarily be limited to the specific areas outlined.

- (1) Review the institution's own insurance and obtain and review coverages of the servicer.
- (2) Review service contract.
- (3) Check user's guide to ascertain it is current.
- (4) Check input, output and transmittal controls and/or procedures.

(5) Test integrity of records generated.

(6) Review audit scope utilized by the servicer's internal auditor and/or outside accountant. In addition, third party reports and reports of regulatory agencies, if not precluded from inspection by law, should be reviewed.

(7) Review servicer's provision for back-up processing time and management awareness of compatible servicers in the event a change in servicers is necessitated.

An order adopting these amendments was filed and became effective on March 21, 1978, as R.1978 d.103.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

BANKING

DIVISION OF CONSUMER COMPLAINTS

LEGAL AND ECONOMIC RESEARCH

Rule on Stock Subscriptions For Capital Stock Associations

On February 23, 1978, Virginia Long, Commissioner of Banking, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1B-2, 17:12B-272 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a new rule, to be cited as N.J.A.C. 3:1-2.24, concerning minimum stock subscription for capital stock associations, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 2(a).

An order adopting this rule was filed and became effective on February 27, 1978, as R.1978 d.71.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual on Employee Development and Training

On March 7, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which amended subpart 20-5.101 of the Civil Service Personnel Manual (State Service) concerning employee development and training.

Full text of the adoption follows:

PART 20-5 EMPLOYEE DEVELOPMENT AND TRAINING

Subpart 20-5.101 General: Objectives, Responsibilities,
Definitions and Standards

20-5.101a General definition and application

1. Definition

Training in the continuous and systematic development among all levels of employees of that knowledge, and those skills and behaviors which contribute to their welfare, to that of the organization, and to the clients and citizens they serve.

2. Application

This subpart applies to all employees, permanent and provisional, classified and unclassified, of the State of New Jersey, its departments, agencies and other organizational units.

20-5.101b Objective

The objective of this subpart is to encourage the effective use by top management of staff development and training resources among all components of State government as a means of:

1. Helping the agency to achieve its goals and objectives.
2. Enabling the individual employee to improve his/her performance through increased knowledge and the development of more productive skills, behavior patterns and attitudes.
3. Enhancing or improving the functional effectiveness of work groups and government units.
4. Identifying, assessing and resolving organizational problems.

20-5.101c Responsibilities—general

Staff development and training is a fundamental responsibility of all levels of management.

By statute, the Department of Civil Service serves as a central training resource. Its role is to "encourage and assist appointing authorities to initiate and conduct employee development and training programs".

Individual departments retain primary responsibility for training and development activity, particularly that which is unique to each department or requires a decentralized mode of delivery, such as counselling and on the job training. The development of internal training competence is encouraged in all departments. However, in recognition of the disparities that exist among departments in terms of size, needs and capabilities, training designated as a department responsibility may be conducted upon request by the Department of Civil Service.

Example: While supervisory/management training is designated as a department responsibility, agencies may request the Department of Civil Service to conduct supervisory training. Larger departments, on the other hand, may have the capability and interest in organizing and conducting their management development systems.

20-5.101d Responsibilities—specific

1. The Department of Civil Service: As the central State training agency, the Department of Civil Service with the departments will:
 - a. Develop minimum training standards;
 - b. Encourage inter-governmental cooperation;
 - c. Sponsor inter-agency programs;
 - d. Conduct programs for small departments that lack training capabilities;
 - e. Develop career ladders;
 - f. Serve as a clearinghouse, and exchange center;
 - g. Develop training materials;
 - h. Provide advisory services—advise agencies on the most effective training methods and techniques;
 - i. Establish a uniform reporting and recordkeeping system;
 - j. Assist in developing evaluation guidelines;
 - k. Establish criteria for granting educational leave, tuition assistance and the like;
 - l. Review and evaluate staff training requests (CS-94) submitted per regulation 20-5.101f;
 - m. Provide advice concerning departmental budgets;
 - n. Prepare an annual summary of all staff training conducted in the State service;

- o. Provide professional and clerical support service to the State Employee Development and Training Council;
 - p. Publish and distribute a catalog of the training programs offered by the Department of Civil Service.
2. Departments and agencies: Each department and agency will be responsible for:
- a. Determining its training needs and priorities;
 - b. Program design and development;
 - c. Program planning and scheduling;
 - d. Program evaluation;
 - e. Providing supportive services;
 - f. Preparing budgets;
 - g. Career counselling;
 - h. Conducting training in the following areas:
 - (1) Management and supervisory;
 - (2) Professional/technical;
 - (3) Office skills;
 - (4) Orientation;
 - (5) Special program;
 - (6) Employee performance evaluation and improvement system.

20-5.101e Definitions

- 1. In-service is that training which is conducted by State government agencies primarily for their employees.
- 2. Out-of-service is that training which is initiated and/or conducted by agencies other than State government agencies and which include:
 - a. Any course for credit in an educational institution; and
 - b. Any non-credit program, workshop, seminar, conference, or the like.
- 3. Management/supervisory training is that training especially designed to improve the effectiveness of those employees whose responsibilities include the direction of the work of other employees.
- 4. Professional/technical training is that training especially designed to improve the employee's skills on his/her job, or in preparation for future assignments. Data-processing is an example of training in professional/technical skills.
- 5. Office skills is that part of professional/technical training which is designed to improve skills of clerical employees.
- 6. Orientation is that training designed to acquaint new employees with their positions and work environment, agency policies and procedures.
- 7. Supportive services is that equipment, materials, supplies, audio-visual aids, and the like required to carry on in-service training programs.
- 8. Special programs are those programs of training and development which cannot be defined readily in any of the areas specified above, such as affirmative action, career development, job enrichment, conferences, special workshops, and the like.
- 9. Tuition aid means a program of tuition reimbursement or assistance for employees who attend established educational institutions of their own choosing and primarily on their own time within the limitation of these regulations and the funds available for such programs. Reimbursement is made to the employee only after satisfactory completion of course(s).
- 10. Educational leave is an absence, full or part-time, with or without pay, from normal hours of work authorized by the Department of Civil Service and granted to an employee for the express purpose of participating in an extended educational program offered by an accredited institution of higher learning, vocational or technical school.

20-5.101f General regulations and standards

- 1. Departments and agencies are encouraged and authorized to:
 - a. Conduct education, training and upward mobility programs directed toward continually improving service to the public through the development and retention of skilled and effective employees.
 - b. Enter into agreements and contracts necessary to provide such training within the limits of these regulations.
 - c. Pay in whole or in part tuition and/or other costs attendant to out-service education as defined in 20-5.101e, and in accordance with the procedures defined in 20-5.112, and to establish uniform guidelines for selection, application, control and reimbursement.
 - d. Grant educational leave, as defined above, with the approval of the Department of Civil Service to any permanent employee to pursue education or training designed to improve the employee's competence in the position he/she is being prepared. Such education or training must be of direct value to the State sending agency and limited to providing knowledge or skills which cannot be provided through available in-service training.
- 2. Departments and agencies are required to:
 - a. Obtain approval from the Department of Civil Service for any training program which involves the direct expenditure of funds.
 - b. Submit a summary of training activities to the Chief, Training Section, Department of Civil Service, by September 15 following the close of the fiscal year in which such activities took place. This summary must contain all of the information prescribed on form CS-152.
 - c. Develop and maintain a written record of the education, training and upward mobility programs in which each employee takes part, and record such information in the individual personnel file for each employee at least annually.
 - d. Designate its training office as its primary representative, and such other alternate representatives as deemed necessary to provide advice and counsel to the Department of Civil Service through the State Employee Development and Training Council.
 - e. Complete a department-wide or agency survey in order to determine department or agency training needs at least once each year.
 - f. Complete an evaluation of all programs of education and training in which department or agency employees take part through written questionnaires, oral interviews, testing, and/or other appropriate means.
 - g. Develop a department or agency plan for career development, the objectives of which will be to provide education and training designed to meet assessed needs and to prepare employees for advancement to higher level positions.
- 3. Direct training in specified areas should be provided by departments and agencies in accordance with the following minimum standards:
 - a. Employee performance evaluation and improvement
No less than six hours of formal training in the operation of the State Employee Performance Evaluation and Improvement System, to all employees charged with the responsibility of evaluating the work of other employees.
 - b. Retirement planning
No less than eight class hours of formal training designed to assist employees in making constructive plans for retirement (as defined in Civil Service subpart 16-16.101).
- 4. Departments and agencies are further authorized and encouraged to provide direct training for employees in the following areas and in accordance with the standards specified:

a. Supervision and management

No less than 24 hours of formal training in the fundamentals of supervision and management for each employee charged with the responsibility of supervising the work of other employees.

b. Affirmative action

No less than eight class hours of formal training for supervisors (as defined in 20-5.101e 3) designed to ensure effective compliance with and implementation of the requirements of Equal Employment Opportunity Act and State Department Affirmative Action plans.

c. Orientation

No less than three class hours of formal orientation (as defined in 101e 6) for all newly-appointed employees within two months of appointment.

d. Employee relations

1. No less than six hours of formal training designed to enable the supervisor or manager to function effectively in handling employee complaints and grievances.

2. No less than two class hours of formal training in the requirements of each employee agreement for supervisors of employees who are members of the unit to which the agreement applies within one month after the promulgation of each agreement.

An order adopting these amendments was filed on March 10, 1978, as R.1978 d.90 (Exempt, Procedure Rule) to become effective on March 14, 1978. Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments to State Service Personnel Manual Concerning Tuition Aid

On March 7, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted procedural rules which amended subpart 20-5.112 in the Civil Service Personnel Manual (State Service) concerning tuition aid.

Full text of the adoption follows:

Subpart 20-5.112 Tuition aid

20-5.112a Definition

As defined in subpart 20-5.101e, tuition aid means a program of tuition reimbursement or assistance for employees who attend established educational institutions of their own choosing and primarily on their own time for formal academic credit within the limitations of these regulations and funds available for such programs.

20-5.112b Authorizations

1. Departments and agencies should:

a. Establish a planned program for granting tuition aid designed to:

- (1) Be of direct benefit to the department or agency and the State;
- (2) To improve employee performance and;
- (3) To facilitate career development.

b. Pay in whole or in part tuition and/or other costs attendant to out-service education as defined in 20-5.101e, and in this subpart.

c. Establish uniform guidelines for selection, application, control and remuneration, in accordance with procedures defined herein.

2. The standards set forth herein should define parameters for tuition aid. Individual departments may, at their own discretion, set policies within the parameters so prescribed.

3. Departments may, for example, require an academic average higher than the minimum standard (20-5.101e 8), or a department may limit reimbursement to less than the authorized 15 credits in a fiscal year (20-5.112e 15).

20-5.112c Eligibility

All full-time employees in the classified and unclassified service, who will have completed one year of satisfactory service at the time of registration, are eligible to receive tuition aid.

20-5.112d Objectives

1. To enable individual employees to increase their knowledge, enhance their skills and/or improve their performance in order to contribute more effectively to the programs and services of the departments and agencies of New Jersey State government.

2. To provide a means for assisting State government in attracting, retaining and developing its human resources.

20-5.112e Conditions and limitations

1. Tuition aid plan

a. Each department and agency is responsible for developing and implementing its own planned program for tuition aid as defined in the standards prescribed in these regulations. Such programs should include the following written components, which shall be available to all employees of that organization:

- (1) Minimum criteria for selection;
- (2) Procedures for application;
- (3) Conditions and method of payment or reimbursement;
- (4) Binding agreements upon participants;
- (5) Names, titles, address of employees administering the program;
- (6) Provision to ensure, participants' compliance with program regulations;
- (7) Allowable exceptions to regulations.

b. Each department or agency shall obtain approval of its tuition aid program from the Department of Civil Service in advance of the program's implementation.

c. Each department or agency shall obtain approval from the Department of Civil Service of amendments to and changes in its plan in advance of implementation of such changes.

d. Such education and/or training is not related to the duties and responsibilities prescribed for the position in which the employee is incumbent.

6. Ineligible employees

The following employees are ineligible for tuition aid:

- a. Employees on temporary status;
- b. Employees with less than one year of service at the time of registration;
- c. Employees whose last performance evaluation is less than "satisfactory";
- d. Employees who are pursuing education which is not directly related to the duties and responsibilities prescribed for the position in which they are incumbent;

e. Employees who are receiving or are eligible to receive scholarship and/or tuition assistance through the school in which he/she is in attendance and/or through other public or private agency resources;

f. Employees on part-time status.

7. Reimbursable costs

Departments may pay in whole or in part appropriate costs attendant to the employee's education.

8. Academic standards

Employees must maintain no less than an academic average consistent with the minimum acceptable standards established by school in which he/she is enrolled in order to be eligible for reimbursement.

2. Administration

The department training officer should be responsible for approving or disapproving requests for tuition aid subject to the following:

a. Availability of funds;

b. Recommendation of the applicants' supervisor and division head;

c. Conditions, limitations and priorities of these regulations and/or the department or agency training plan;

d. Eligibility of candidate(s).

3. Criteria for selection

Each department shall develop uniform and specific criteria for selection of employees to receive tuition aid and notify the Department of Civil Service of these criteria through filing of its tuition aid plan (20-5.112e, 1).

4. Authorization for expenditure

Each department or agency shall obtain authorization for remuneration for each participant in the program in accordance with the standards governing expenditures for training as specified in this subpart and subpart 20-5.101f, (1)(c). Such requests must be submitted to the Department of Civil Service on a staff training request (CS-94) no less than two weeks prior to enrollment.

5. Ineligible education and/or training

Department may not authorize remuneration for tuition and other costs (20-5.112e, 7) when:

a. Such education and/or training may be obtained through State or other resources at a lesser cost;

b. The employee is eligible to receive remuneration for such education and/or training through scholarships or assistance other than that available from the department;

c. Such education and/or training is not of direct value to the State and/or department.

9. Employee commitment

As a condition of accepting and receiving tuition aid, the employee should agree in writing to remain in the employ of the sending department for no less than one month for each month in which he/she received tuition aid to a maximum of two years; or to reimburse the sending department on the same basis (refer to 20-5.112e, 12).

10. Reimbursement procedure

Reimbursement of tuition and other eligible related costs (20-5.112e, 7) should be made upon presentation by the employee of:

a. Official evidence of satisfactory completion of the course(s) of study for which the employee was originally approved;

b. Receipted invoices for those eligible costs;

c. A signed statement by the employee attesting to the fact that he/she did not receive tuition or scholarship assistance from the school or other sources in addition to those provided by the department.

11. Withdrawal

An employee accepted for tuition aid may withdraw

from the program in which he/she is enrolled, without prejudice or sanctions imposed by the sending department; however, in so doing he/she should waive the right to any reimbursement for tuition, registration or other related costs.

12. Termination

a. An employee who terminates employment with the sending department prior to completion of the education and/or training should waive entitlement to tuition aid.

b. Repayment may be made at a rate and in a manner agreed to by the department and employee.

13. Travel

a. Reimbursement for travel expenses incurred in the use of public transportation or private vehicles may be made only if an employee is directed to attend courses by the sending agency.

b. State-owned vehicles may be used only for travel to and from the educational site when an employee is directed to enroll in an educational program by his/her employing agency.

14. Modification of work schedules

The department may authorize modification of work schedules in order to permit an employee to attend education programs (for which the employee is receiving tuition aid). When modification of work schedules is not practical, the sending agency may grant up to four hours per week to the employees to attend instruction.

15. Credit hours

Remuneration for any candidate's tuition and other related costs shall not exceed 15 credit hours or the equivalent in any fiscal year.

An order adopting these amendments was filed and became effective on March 10, 1978, as R.1978 d.91 (Exempt, Procedure Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

CIVIL SERVICE

CIVIL SERVICE COMMISSION

Amendments on Discrimination in Local Jurisdictions Personnel Manual

On March 14, 1978, the Civil Service Commission, pursuant to authority of N.J.S.A. 11:5-1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to subpart 21-2.101 of the Civil Service Personnel Manual (Local Jurisdictions) concerning discrimination.

Full text of the adoption follows:

PART 21-2 DISCRIMINATION

Subpart 21-2.101 Equal employment opportunity practices for local governments

21-2.101a Subject

This subpart defines the policy of the Department of Civil Service with regard to the obligation of local government agencies to conform with State and Federal laws and regulations concerning equal employment opportunity practices.

21-2.101b Procedure

State and Federal laws and regulations require that employment practices of local government agencies do not discriminate against any person because of race, creed, color, national origin, ancestry, age, sex, marital status, political or religious opinions or affiliations, armed forces obligations or physical handicaps.

This requirement, as well as existing Civil Service law and rules in this area, should be an integral part of the personnel policies and practices of local government agencies.

Upon request, the Department of Civil Service will:

1. Provide advice to local government jurisdictions operating under the Civil Service Act concerning the development of personnel policies and practices that are consistent with the principle of equal employment opportunity.

2. Provide advice to local government jurisdictions operating under the Civil Service Act in developing procedures for the reporting of statistics relating to their equal employment opportunity policies and practices.

An order adopting these amendments was filed and became effective on March 14, 1978, as R.1978 d.95 (Procedure Rule). Take notice that these amendments are not subject to codification and will not appear in Title 4 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

COMMUNITY AFFAIRS

THE COMMISSIONER

Proposed Amendments to Uniform Construction Code Rules

Patricia Q. Sheehan, Commissioner of Community Affairs, pursuant to authority of P.L. 1975, c. 217, as amended, proposes to amend N.J.A.C. 5:23-1.4, 5:23-2.9(c)2.iv., 5:23-3.3(k) and 5:23-4.11 concerning the Uniform Construction Code.

The proposed amendments concern the definition of State-sponsored code change proposal; penalties; rules governing State-sponsored code change proposals; and the construction boards of appeal.

Full text of the four pages of proposed amendments may be obtained from or made available for review by contacting:

Department of Community Affairs
Construction Code Enforcement
P.O. Box 2768
Trenton, New Jersey 08625
Telephone: (609) 292-6364

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to the Department of Community Affairs at the above address.

The Department of Community Affairs may thereafter adopt rules concerning this subject without further notice.
Patricia Q. Sheehan
Commissioner
Department of Community Affairs

(b)

EDUCATION

STATE BOARD OF EDUCATION

Proposed Amendments to Rules on Adult Education Pertaining to Standards for Reimbursement

The State Board of Education, pursuant to authority of N.J.S.A. 18A:50-7, proposes to amend N.J.A.C. 6:44-3.1(a)5 concerning standards for reimbursement toward the salary of a supervisor of adult education.

The current code requires that a school district have a comprehensive program in six of the curriculum areas indicated in chapter II; however, chapter II was never adopted by the State board. The proposed revision would correct this technical error, and include the curriculum areas in the Code.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

6:44-3.1(a)5. Maintain a comprehensive program of adult education that includes classes or activities representing, at least, six of [the] these curriculum areas [indicated in chapter 11;]:

- i. Naturalization education prepares non-citizens to gain their citizenship;
- ii. Adult basic education provides adults with basic reading, writing, and computational skills;
- iii. High school education prepares the non-high school graduate to gain a high school diploma;
- iv. Vocational education provides the worker, employed or unemployed, with salable skills for employment or employment stability;
- v. Civic and public affairs education prepares citizens to participate in the decision-making processes of society;
- vi. Literature and languages education enriches the adult with knowledge and skills related to the adult's culture and that of others;
- vii. Leadership training and group relations education provides the adult with leadership skills and knowledge to function effectively as an individual and within groups;
- viii. Health, safety, and physical education provides the adult with knowledge, skills, and activities to maintain a healthy body;
- ix. Music and dramatic education provides adults with knowledge, skills and activities to express themselves through the performing arts;
- x. Driver and pedestrian education prepares the adult to maintain a driver's license and to function effectively behind-the-wheel and as a pedestrian;
- xi. Consumer and homemaking education provides the adult with knowledge and skills to function effectively as a consumer and/or as a household manager;
- xii. Family life education prepares the adult to function effectively as a family member;
- xiii. Mathematics and science education provides the adult with theoretical knowledge and skills about man's environment;
- xiv. Arts and crafts education provides adults with knowledge, skills, and activities to express themselves by making and/or doing things requiring creativity and/or skill;
- xv. Vocational education provides the adult with knowledge, skills, and activities for leisure-time living;
- xvi. Curriculum areas listed shall become effective September 1, 1978.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Lorraine L. Colavita
Executive Assistant for Administrative
Practice and Procedure
Department of Education
225 West State St.
Trenton, N.J. 08625

The State Board of Education may thereafter adopt these revisions substantially as proposed without further notice.

Fred G. Burke
Commissioner of Education
Secretary, State Board of Education

(a)

EDUCATION

STATE BOARD OF EDUCATION

Amendments to Rules on Thorough and Efficient System of Free Public Schools

On March 1, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:7A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:8-1.1, 6:8-6.2 and 6:8-7.1 concerning the thorough and efficient system of free public schools, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 57(b).

An order adopting these amendments was filed and became effective on March 7, 1978, and according to the time table approved by the State Board of Education, as R.1978 d.85.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

EDUCATION

STATE BOARD OF EDUCATION

Rules on Recognition of Accredited Private Vocational Schools

On March 1, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:54-10.1 et seq., 18A:69-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 6:46-4.18, concerning the recognition of accredited private vocational schools, substantially as proposed in the Notice published February 9, 1978, at 10 N.J.R. 56(a), with only inconsequential structural or language changes, in the opinion of the Department of Education.

An order adopting these rules was filed and became effective on March 7, 1978, as R.1978 d.86.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

EDUCATION

STATE BOARD OF EDUCATION

Amendments to Rules on Pupil Records

On March 1, 1978, Fred G. Burke, Commissioner of Education and Secretary of the State Board of Education, pursuant to authority of N.J.S.A. 18A:36-19, Public Law 94-142 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 6:3-2.1 through 6:3-2.8 concerning pupil records, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 56(b).

An order adopting these amendments was filed and became effective on March 7, 1978, as R.1978 d.87.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments on 90-Day Construction Permits

Rocco D. Ricci, Commissioner of the Department of Environmental Protection, proposes to adopt two amendments to the rules "Revisions to 90-Day Construction Permit Rules", adopted October 17, 1977 as Docket No. DEP 024-76-10 and codified as N.J.A.C. 7:1C-1.1 et seq. These rules are promulgated pursuant to the "90-Day Act", P.L. 1975, C.232, N.J.S.A. 13:1D-29 et seq. Such proposal is known within the Department of Environmental Protection as Docket No. DEP 008-78-03.

One proposed revision corrects the time limit placed upon the department for rendering decisions on appeals granted pursuant to N.J.A.C. 7:1C-19 on agency decisions regarding construction permits. The rules had provided that the decision on appeal must be rendered "no later than 60 days after the acceptance of the request (for hearing)". Due to manpower, caseload and scheduling constraints, this schedule would often be impossible to meet. The amendments would require the decision on appeal to be rendered by the department "no later than 60 days after the day upon which the hearing concludes".

The second amendment merely alters the name of, and the statutory authority for, the approval required for construction, alteration or extension of sanitary sewer collection systems, without altering the coverage of these amendments. The old statute (N.J.S.A. 58:11-10) referred to was repealed on October 17, 1977, by the "Safe Drinking Water Act" P.L. 1977, C.224. The present approval required for construction, alteration, modification or operation of any facility for the collection, prevention, treatment or discharge of any pollutant is called a "Treatment Works Approval", and is further defined and regulated by N.J.A.C. 7:14-2.1 et seq.

The full text of N.J.A.C. 7:1C-1.1 et seq. with additions underlined and deletions [bracketed], is available from:

Public Wastewater Facilities Element
Division of Water Resources
P.O. Box 2809
Trenton, New Jersey 08625

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Donald A. Brown
Office of Regulatory Affairs
Division of Water Resources
P.O. Box 2809
Trenton, N.J. 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Rocco D. Ricci
Commissioner
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Amendments Concerning Boating, Diving and Swimming

Rocco D. Ricci, Commissioner of Environmental Protection pursuant to authority of N.J.S.A. 12:7-34.49, proposes to amend N.J.A.C. 7:6-1.34 and 7:6-1.42 concerning boating, diving and swimming.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

7:6-1.34(c) No person shall tie up or anchor vessels or other craft in navigable channels in such a manner as to prevent or obstruct the passage of other vessels or craft, or voluntarily or carelessly sink or permit or cause to be sunk, vessels [of] or other craft in navigable channels [beacon, buoy or any other aid to navigation] except in an emergency.

7:6-1.42 [Skin diving] Diving and swimming

7:6-1.42(d) Provisions for Shark River Inlet are:

1. Underwater diving is permitted in the Shark River Inlet in that area which lies east of a line extending from the northwest end of A Street in Belmar to the southeast end of First Avenue in Avon.

2. Divers must stay within 25 feet of the jetties and bulkheads in the area described.

3. Diver must mark his position with a float and skin diver's flag.

4. No diver shall surface more than 15 feet from his buoyed flag except in an emergency.

5. No underwater diving shall be permitted in Shark River Inlet between the hours of 8:00 A.M. and 5:30 P.M. during the period each year commencing May 1 and terminating October 1.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Donald F. Graham
Director, Division of Marine Services
Department of Environmental Protection
P.O. Box 1889
Trenton, N.J. 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Rocco D. Ricci
Commissioner
Department of Environmental Protection

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Proposed Rules on Submission of Confidential And Other Types of Information

Rocco D. Ricci, Commissioner of the Department of Environmental Protection, proposes to adopt a new rule to be cited as N.J.A.C. 7:1F-1.1 et seq. concerning the submission of confidential and other types of information. Such proposed rules are known within the Department of Environmental Protection as Docket No. DEP 007-78-03.

This proposal prescribes the procedures to be followed by persons submitting information to the department. The proposal allows such persons to assert a claim that the information is entitled to confidential treatment because such information constitutes trade secrets or proprietary information. If the department determines that the information is entitled to confidential treatment, the information would not be deemed to be public records.

Copies of the six pages of full text of the proposal may be obtained by contacting the person indicated below.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before April 26, 1978, to:

Steven J. Picco, Chief
Regulatory and Governmental Affairs
Department of Environmental Protection
P.O. Box 1390
Trenton, New Jersey 08625

The Department of Environmental Protection may thereafter adopt rules concerning this subject without further notice.

Rocco D. Ricci
Commissioner
Department of Environmental Protection

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF FISH, GAME AND SHELLFISHERIES

Proposed Rule Defining Lines Where License is Required to Fish

Russell A. Cookingham, Director of the Division of Fish, Game and Shellfisheries in the Department of Environmental Protection, pursuant to authority of N.J.S.A. 23:1-2, 23:3-1 and 23:9-1 and with the advice of the Fish and Game Council, proposes to adopt a rule which defines and establishes the fresh waters of the State for which licenses are required to fish with hand line, rod and line or long bow and arrow.

Such rule is known within the Department of Environmental Protection as Docket No. DEP 006-78-03.

The proposed rule defines "license lines" and reflects the extent of fresh waters in the major streams and rivers of the State at this time and eliminates differences between the locations of "license lines" for resident and non-resident fishermen. The effective date of this rule, if adopted, will be January 1, 1979.

Copies of the eight pages of full text of the proposed rule may be obtained from or made available for review by contacting:

Chief, Bureau of Fisheries
Fish, Game and Shellfisheries
Post Office Box 1809
Trenton, New Jersey 08625

A public hearing respecting this proposed action will be held on May 9, 1978, at 7:30 P.M. at the offices of the Division of Fish, Game and Shellfisheries, 363 Pennington Avenue, Trenton, New Jersey. Persons wishing to make oral statements shall notify the hearing officer at the hearing.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before May 9, 1978, to:

Director
Division of Fish, Game and Shellfisheries
P.O. Box 1809
Trenton, N.J. 08625

The Division of Fish, Game and Shellfisheries may thereafter adopt rules concerning this subject without further notice.

Russell A. Cookingham
Director, Division of Fish, Game and
Shellfisheries
Department of Environmental Protection

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Emergency Amendments Concerning Shellfish Beds in Barnegat Bay

On February 24, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 24:2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency amendments to several rules concerning shellfish beds in Barnegat Bay.

Full text of the adoption follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

7:12-1.1 Definitions

...
"Seasonal area" means waters condemned for the harvest of oysters, clams and mussels from May 1 through December 31 of each year and approved for harvest from January 1 through April 30 of each year, except in Great Egg Harbor Bay and Barnegat Bay as described in N.J. A.C. 7:12-1.3(a)28.viii, 13.ii, 14.iii, 15.ii respectively, and in Delaware Bay where [the] seasonal waters are condemned for the harvest of shellfish from May 1 through October 31 of each year and approved for [the] harvest from November 1 through April 30 of each year.

7:12-1.3(a)13. Delete this paragraph as described and insert the following:

7:12-1.3(a)13. Barnegat Bay - Berkeley Township area, Toms River to Cedar Creek. (A portion is designated as seasonal.)

i. All the waters west of a line beginning at can buoy 63 off Cedar Creek and bearing approximately 348 degrees T to nun buoy 62, then bearing approximately 336 degrees T to the most easterly point of land on the south bank of Potter Creek, then bearing 038 degrees T to light 60 (Fl R 8 feet) north of Berkeley Shores, then bearing approximately 045 degrees T to eastern end of Barnegat Pier, then continuing in a generally northerly direction along the offshore ends of the piers and terminating on the north bank of the entrance to Good Luck Point Marina.

ii. Seasonal: All that area lying between the above described line and a straight line beginning at the most easterly point of land on the south bank of Potter Creek and bearing approximately 186 degrees T to an unnamed point of land at the mouth of a cove on the north side of Cedar Creek, then bearing approximately 114 degrees T across the mouth of that cove to the next point of land and following the shoreline of this land formation, to its southeasternmost point.

7:12-1.3(a)14. Delete this paragraph as described and insert the following:

7:12-1.3(a)14. Barnegat Bay — Cedar Creek and Stouts Creek area (A portion is designated as seasonal).

i. All that area, including Cedar Creek and its tributaries, west of a line beginning at Can buoy 63 (C "63") and bearing approximately 193 degrees T to flashing red light 64 (Fl R 8 ft "64") then bearing approximately 197 degrees T to Special Purpose buoy "A" off Laurel Harbor, Lacey Township, then bearing approximately 296 degrees T and terminating on the point of land on the southern bank of the small cove immediately south of Laurel Harbor.

ii. All those waters west (upstream) from a line beginning at the northernmost point of land, on the southern bank, that helps form the cove at the mouth of the southern lagoon complex adjacent to the community of Sunrise Beach and bearing approximately 335 degrees T to the northeastern most telephone/electric pole (3MV, BT 36) on Capstan Drive (Sunrise Beach community), then from this pole, across the mouth of Stouts Creek, bearing approximately 352 degrees T and terminating at the small point of land on the west bank of a small unnamed creek along the opposite (northern) shore of Stouts Creek.

iii. Seasonal: All that area lying between the above described line in paragraph i. above and a straight line beginning at the southeasternmost point of land on the north bank of Cedar Creek and bearing approximately 164 degrees T to the northernmost point of the small unnamed island off Laurel Harbor, then bearing approximately 136 degrees T to FIR 8 ft "64", then bearing approximately 220 degrees T just touching the southeast shore of Laurel Harbor and terminating at its junction with the condemned area line which runs from the special purpose buoy off Laurel Harbor to the mainland.

7:12-1.3(a)15. Delete this paragraph as described and insert the following.

7:12-1.3(a)15. Forked River and Barnegat Bay—Forked River to Barnegat (Double Creek) area. (A portion is designated as seasonal.)

7:12-1.3(a)15.i. All those waters west from a line beginning at light 2 (Fl R) off the mouth of Forked River and bearing approximately 347 degrees T to a point of land north of Forked River: also beginning at the same light

the line bears approximately 219 degrees T to light 3 (F1) marking the entrance channel to Oyster Creek, then bearing approximately 204 degrees T through special purpose buoy 1 to special purpose buoy 2 located approximately 4/10 of a nautical mile east of light 2 (F1 R) marking the entrance to Waretown Creek, then bearing approximately 194 degrees T through special purpose buoys 3 and 4 to special purpose buoy 5 located approximately one half of a nautical mile east of light (F1 G) marking the entrance to Lochiel Creek and the Pebble Beach Lagoon complex, then bearing approximately 180 degrees T through special purpose buoy 6 and terminating at the range markers located on Conklin Island (in the above area, the special purpose buoys and the range marker on Conklin Island are provided by this department for the specific purpose of delineating the condemned waters described above), coves and creeks within the Double Creek complex to include those waters west of a line formed by an extension of the 180 degree T line created through the alignment of the range marker on Conklin Island and continuing until junction is made with a line indicating a latitude of 39 degrees 44 minutes N., then all those waters within the Double Creek complex north of this latitude.

7:12-1.3(a)15.ii. Seasonal: All that area lying between the above described line off Forked River and a straight line beginning at F1 "3" off Oyster Creek and bearing approximately 17 degrees T to the point of land on the north bank of Forked River (referred to above).

An order adopting these amendments was filed and became effective on February 24, 1978, as R.1978 d.69 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION DIVISION OF WATER RESOURCES

Amendments to Floodway Delineations

On February 27, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:16A-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:13-1.2 and 7:13-1.4(c) concerning floodway delineations, substantially as proposed in the Notice published June 9, 1977, at 9 N.J.R. 263(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 026-77-05.

Full text of the adoption follows:

7:13-1.2 Definitions

...
"Exceptional and undue hardship" means situations where literal enforcement of this section would result in peculiar and substantial burdens upon the owner and where such enforcement would not be necessary to avoid substantial detriment to the public health, safety and general welfare.
...

7:13-1.4(c) Exceptions to subsection (b) of this section are as follows:

1. Lawful pre-existing prohibited uses may be maintained provided that if they are expanded or enlarged that they do not increase the flood damage potential.

2. Lawful pre-existing prohibited structures damaged by any means other than flooding may be restored provided that:

i. Any expansion or enlargement will not increase the flood damage potential.

ii. Efforts should be made to provide floodproofing or other similar techniques to minimize future flood damage to the structure.

3. Lawful pre-existing prohibited structures damaged by flooding may be restored provided that the extent of damage does not exceed 50 per cent of the fair market value of the structure immediately preceding the damage and provided that:

i. Any expansion or enlargement will not increase the flood damage potential.

ii. The owner submits an application together with drawings of the proposed reconstruction and the application is approved by the division.

iii. Efforts should be made to provide floodproofing or other similar techniques to minimize future flood damage to the structure.

4. The requirements of N.J.A.C. 7:13-1.4(c)3.ii. will be satisfied with the adoption and enforcement by a municipality of a flood damage prevention ordinance, which is based on data provided by the Federal Insurance Administration on its flood hazard boundary map, Federal insurance rate map and its flood insurance study and which is approved by the Federal Insurance Administration.

5. Lawful pre-existing prohibited structures damaged by flooding to an extent greater than 50 per cent of the fair market value of the structure immediately preceding the damage may be restored provided that:

i. Any expansion or enlargement will not increase the flood damage potential.

ii. Plans for the proposed reconstruction include provisions for floodproofing or other similar techniques designed to minimize future flood damage to the structure from the occurrence of the floodway design flood.

iii. The owner submits an application together with drawings of the proposed reconstruction and the application is approved by the division.

6. In those cases where enforcement by the division of sections 3 and 5 of this subchapter results in an exceptional and undue hardship, the applicant may appeal in writing to the division for a hearing before the council.

i. The hearing shall be scheduled within 90 days from receipt of documented request.

ii. Following the hearing, the council shall render a decision which will be subject to the approval of the commissioner.

7. Lawful pre-existing sanitary landfills may be expanded vertically provided that:

i. No horizontal expansion is made.

ii. The side slopes of the landfill be not steeper than two horizontal to one vertical.

iii. Adequate soil erosion and sediment control measures are taken to the satisfaction of the Division of Water Resources.

iv. The flood damage potential is not increased.

v. The other applicable provisions of law are complied with.

8. Structures which are lawfully under construction on the effective date may be completed.

An order adopting these amendments was filed and became effective on February 27, 1978, as R.1978 d.70.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Amendments on Manifest System for Generation, Transportation, Treatment and Disposal Of Hazardous Wastes

On February 27, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 7:26-1.4, 7:26-2.6, 7:26-2.11, 7:26-2.13 and 7:26-7.1 et seq. concerning the manifest system for the generation, transportation, treatment and disposal of hazardous wastes, substantially as proposed in the Notice published October 6, 1977, at 9 N.J.R. 459(d), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

Such amendments are known within the Department of Environmental Protection as Docket No. DEP 051-77-09.

Copies of the amendments and manifest forms may be obtained from:

Beatrice S. Tylutki
Director, Solid Waste Administration
32 East Hanover Street
Trenton, New Jersey 08625

An order adopting these amendments was filed and became effective on February 27, 1978, as R.1978 d.72.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Extension of Commercial Shooting Preserve Season

On March 10, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 23:3-32 and in accordance with applicable provisions of the Administrative Procedure Act, adopted an emergency rule which extended the commercial preserve season until April 2, 1978.

The purpose of this extension is to curtail imminent economic hardship due to the severe conditions of the past winter. The director of the Division of Fish, Game and Shellfisheries, with the approval of the Fish and Game Council, recommended that the commercial shooting preserve season be extended for a period not to exceed 31 days.

This extension is known within the Department of Environmental Protection as Docket No. DEP 005-78-03.

An order adopting this extension was filed and became effective on March 10, 1978, as R.1978 d.92 (Exempt, Emergency Rule). Take notice that this is a temporary rule not subject to codification and will not appear in Title 7 of the New Jersey Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

ENVIRONMENTAL PROTECTION

DIVISION OF ENVIRONMENTAL QUALITY

BUREAU OF RADIATION PROTECTION

Rules on Nuclear Medicine Technology

On March 9, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, and Max M. Weiss, Chairman of the Commission on Radiation Protection, pursuant to authority of N.J.S.A. 26:2D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 7:28-24.1 et seq., concerning nuclear medicine technology, substantially as proposed in the Notice published May 5, 1977, at 9 N.J.R. 213(b), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Environmental Protection.

The substantive changes are discussed in the report of the public hearing issued by the Department of Environmental Protection copies of which are available from Eugene Fisher, Chief, Bureau of Radiation Protection, 380 Scotch Road, Trenton, N.J. 08628.

Such rules are known within the Department of Environmental Protection as Docket No. DEP 020-77-04.

An order adopting these rules was filed and became effective on March 20, 1978, as R.1979 d.101.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

ENVIRONMENTAL PROTECTION

THE COMMISSIONER

Extension of Effective Date of Standards For Construction of Sewerage Facilities For Realty Improvements

On March 16, 1978, Rocco D. Ricci, Commissioner of Environmental Protection, pursuant to authority of N.J. S.A. 58:11-23 et seq., 13:1D-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which extended the effective date of the standards adopted on January 23, 1978, as R.1978 d.21 (See: 9 N.J.R. 115(b) and 10 N.J.R. 60(b)), concerning the construction of sewerage facilities and water supply systems for realty improvements.

The prior adoption indicated that the effective date for such amendments to N.J.A.C. 7:9-2.1 et seq. and 7:10-3.10 et seq. were to be April 1, 1978. This effective date has now been extended to June 1, 1978. The reason for the extension is to allow agencies and interested parties additional time to review and comprehend these regulations.

Such extension is known within the Department of Environmental Protection as Docket No. DEP 011-77-02.

An order extending the effective date of the rules in question was filed on March 20, 1978, as R.1978 d.102 (Exempt, Procedure Rule), to become effective on June 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HEALTH

THE COMMISSIONER

Proposed Amendments on Licenses and Expiration Dates for Food and Cosmetic Establishments

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 proposes to adopt amendments to N.J.A.C. 8:21-9.4, License requirement, and N.J.A.C. 8:21-9.6 concerning expiration dates of licenses for food-cosmetic establishments.

Full text of the proposed amendments follow (additions indicated in boldface thus; deletions indicated in brackets [thus]):

8:21-9.4(a) Every person owning or operating a food or cosmetic establishment within the State shall [, prior to May 1 of each year,] apply annually for a license to operate such establishment on forms provided by the department. The application shall have attached thereto an affidavit of the person or some member or officer of the association, partnership, or corporation applying therefor, stating that the facts set forth therein are true and correct.

8:21-9.6(a) Upon approval of the application for a license and of the sanitary condition of the food or cosmetic establishment and upon payment of the required license fee, the department shall issue to each applicant a license which shall expire [April 30 of each year] **one year from the last day of the month in which the original application is received and yearly thereafter.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Joseph W. Prince
Chief, Food and Milk
Department of Health
1911 Princeton Ave.
Trenton, N.J. 08648

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(b)

HEALTH

THE COMMISSIONER

Proposed Amendments on Waterfront Staff And Youth Camp Safety Standards

Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 26:12-1, proposes to amend N.J.

A.C. 8:25-5.2 concerning youth camp safety standards and waterfront staff.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

8:25-5.2(a) [The aquatics supervisor and assistant aquatics supervisor in a resident camp or day camp for swimming programs shall be currently certified as an American Red Cross water safety instructor, a YMCA aquatics instructor, or a Boy Scouts of America national aquatics instructor.] **The aquatics supervisor and assistant aquatics supervisor in any camp or any place where camp activities are conducted who supervise swimming or watercraft programs shall be currently certified as an American Red Cross water safety instructor, or a YMCA aquatics instructor or Boy Scouts of America national aquatics instructor or its equivalent, and as an American Red Cross advanced lifesaver or its equivalent.**

8:25-5.2(b) [The aquatics supervisor, assistant aquatics supervisor and aquatics guard in any camp who supervise wading, swimming or watercraft programs shall be currently certified as an American Red Cross senior lifesaver, a YMCA senior lifesaver, or a Boy Scouts of America lifeguard.] **The aquatics guard in any camp or in any place where camp activities are conducted who supervise wading, swimming or watercraft programs shall be currently certified as an American Red Cross or YMCA advanced lifesaver or its equivalent.**

8:25-5.2(d) [The aquatics supervisor and one aquatics guard shall be on duty for 20 or fewer children in the water. One additional aquatics guard shall be on duty for every additional 20 children or portion thereof.] **The aquatics supervisor and one aquatics guard shall be on duty for 30 or fewer children in the water. One additional aquatics guard shall be on duty for every additional 30 children or portion thereof.**

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Ms. Annette Hirsch
Chief, Biological Services
Department of Health
1911 Princeton Ave.
Trenton, N.J. 08648

The Department of Health may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(c)

HEALTH

PUBLIC HEALTH COUNCIL

Proposed Rules on Operation Of Clinical Laboratories

The Public Health Council in the Department of Health, pursuant to authority of N.J.S.A. 45:9-42.34, proposes to adopt new rules for the operation of clinical laboratories under the New Jersey Clinical Laboratory Improvement Act (N.J.S.A. 45:9-42.26 et seq.). The proposed rules, if adopted, will be cited as N.J.A.C. 8:44-2.1 et seq. and will repeal sections 1 through 8 of chapter IV of the State Sanitary Code.

The proposed rules concern definitions, applicability of regulations, certificate of need, laboratory director, supervision, tests performed, technical personnel, management and quality control.

Copies of the 20 pages of full text of the proposed rules may be obtained from or made available for review by contacting:

Dr. David Kirsch
Room 405
Health-Agriculture Building
John Fitch Plaza
Trenton, New Jersey 08625

A public hearing respecting the proposed action will be held on May 8, 1978, at 10:00 A.M. in the auditorium of the Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey. Persons planning to make statements at the public hearing are asked to advise Dr. Kirsch of such intention prior to the public hearing.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before May 7, 1978, to Dr. Kirsch of the Department of Health at the above address.

The Public Health Council may thereafter adopt rules concerning this subject without further notice.

Dr. Joanne E. Finley
Commissioner
Department of Health

(a)

HEALTH

THE COMMISSIONER

Emergency Rules for New Drugs and Amygdalin

On March 14, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1, 24:6F-5, upon the recommendation of the Public Health Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted emergency rules concerning new drugs and amygdalin (laetrile).

Full text of the adoption follows:

SUBCHAPTER 4. NEW DRUGS

8:21-4.1 Statement of policy

(a) The following "new drug" regulations as adopted by the department are to provide guidance in the administration of the provisions of N.J.S.A. 24:6A-1 et seq.

(b) To ensure that a complete and comprehensive review for safety is provided to a new drug application submitted pursuant to the State act, it has been deemed proper and expeditious to adopt by reference such procedures, records, reports, sampling, toxicology, pathology and clinical testing measures afforded to new drugs by the United States Food and Drug Administration as provided in 21 C.F.R. 300, 310, 312 and 314.

(c) It is the intent and policy of the department to implement and administer those provisions of the Federal new drug regulations adopted by this department that pertain to or are concerned with the safety of the product subject of a State new drug application.

8:21-4.2 Subpart A, combination drugs

21 C.F.R. 300.50, Fixed combinations prescription drugs for humans, is hereby adopted by reference.

8:21-4.3 Subpart A, general provisions; definitions

- (a) 21 C.F.R. 310.3, Definitions and interpretations,
21 C.F.R. 310.4, Biologics, products subject to license control,
21 C.F.R. 310.9, Designated journals, are hereby adopted by reference, with the following modifications.

(b) The definitions set forth in subpart A, general provisions, section 310.3, (N.J.A.C. 8:21-4.3) pursuant to the intent and policy of the department as set forth in a preamble to new drug regulations, mean:

1. The term "act" means the Title 24, New Jersey Statutes Annotated.
2. The term "department" means the Department of Health.
3. The term "secretary" means the State Commissioner of Health.
4. Where administrative procedures are set forth in the federal regulations, the provisions of N.J.S.A. 52:14B-1 et seq. shall apply.

8:21-4.4 Subpart A, exemptions from section 505(a)

- (a) 21 C.F.R. 312.1, Conditions for exemption of new drugs for investigational use,
21 C.F.R. 312.5, Confidentiality of data and information in an investigational new drug notice (IND),
21 C.F.R. 312.9, New drugs for investigational use in laboratory research animals or in vitro tests, are hereby adopted by reference.

(b) Regarding subpart B, controlled substances, 21 C.F.R. 312.10, availability of records, is hereby adopted by reference.

(c) Regarding subpart C, international research, 21 C.F.R. 312.20, Clinical data generated outside the United States and not subject to a "notice of claimed investigational exemption of a new drug", is hereby adopted by reference.

8:21-4.5 Subpart A, general provisions; new drug applications

- (a) 21 C.F.R. 314.1, Applications,
21 C.F.R. 314.6, Amended applications,
21 C.F.R. 314.7, Withdrawal of applications without prejudice,
21 C.F.R. 314.8, Supplemental applications,
21 C.F.R. 314.9, Insufficient information in application,
21 C.F.R. 314.10, New drug application approvals; availability of information,
21 C.F.R. 314.11, Master files,
21 C.F.R. 314.12, Untrue statements in application,
21 C.F.R. 314.13, New drugs with potential for abuse,
21 C.F.R. 314.14, Confidentiality of data and information in a new drug application (NDA) file, are hereby adopted by reference.

- (b) Regarding subpart B, administrative actions on applications,
21 C.F.R. 314.100, Comment on application,
21 C.F.R. 314.105, Notification to applicant of approval of application,
21 C.F.R. 314.110, Reasons for refusing to file applications,
21 C.F.R. 314.111, Refusal to approve the application,
21 C.F.R. 314.115, Withdrawal of approval of an application,

21 C.F.R. 314.116, Notice of withdrawal of approval of application,

21 C.F.R. 314.120, Revocation of order refusing to approve application, or suspending or withdrawing approval of an application,

21 C.F.R. 314.121, Notices and orders, are hereby adopted by reference.

(c) Full text of federal regulations pertaining to new drugs may be found in sections 310, 312 and 314 of 21 C.F.R., parts 300 thru 499, revised as of April 1, 1977, and may be purchased from:

Superintendent of Documents
United States Government Printing Office
Washington, D.C. 20402
Price—\$5.00 per copy

(d) The complete text of those sections adopted by the department may be reviewed in the office of:

Drug Control
Consumer Health Services
1911 Princeton Avenue
Trenton, N.J. 08648
(609) 392-1180

Editor's Note: N.J.A.C. 8:21-4.6 through 8:21-4.24 are hereby reserved.

8:21-4.25 Amygdalin (laetrile); generally

Amygdalin, also known as laetrile or vitamin B-17, pursuant to the provisions of N.J.S.A. 24:6F-4 has been deemed to be a substance subject to the provisions of N.J.S.A. 24:6A-1 et seq.

8:21-4.26 Amygdalin; testing

(a) As a substance subject to a new drug application (FD form 356H), amygdalin, also known as laetrile or vitamin B-17, shall not be available for testing on humans until such time as the sponsor identified in FD form 356H provides to the department the information specified in a "Notice of Claimed Investigational Exemption for a New Drug" (forms FD 1571, 1572 and 1573), known as an IND. Copies of these IND forms may be obtained from:

Drug Control
Consumer Health Services
1911 Princeton Avenue
Trenton, New Jersey 08648

8:21-4.27 Amygdalin subject to other administrative rules

Amygdalin, also known as laetrile or vitamin B-17 shall be subject to the provisions of N.J.A.C. 8:21-4.1 et seq.

8:21-4.28 Use and distribution of amygdalin; forms

(a) In addition to the requirements of N.J.A.C. 8:21-4.1 et seq., an investigator shall have completed or have caused to be completed, by the patient or person signing for the patient, a form DDC-L5, Written informed request for prescription of amygdalin (laetrile) for medical treatment.

(b) Distribution and filing of form DDC-L5 shall be in accordance with instructions which accompany the form.

(c) Copies required to be filed with the department shall be received by the department on or before the seventh day following the date as attested to, and signed by the prescribing physician.

8:21-4.29 Failure to comply with provisions

Failure to comply with the provisions of N.J.A.C. 8:21-4.28, may require the department to request the sponsor to withhold or withdraw approval of the investigator to continue the clinical investigation of amygdalin.

8:21-4.30 Use of amygdalin; treatment of cancer

(a) Additional clinical investigations, records, reports and any other clinical data relating to the efficacy of the use of amygdalin in the treatment of cancer shall be required of the sponsor where amygdalin is used as a primary treatment of cancer, or as an adjunct to or in conjunction with other modalities of treatment of cancer.

(b) Such information shall be in the form and manner as shall be required by the department.

Editor's Note: N.J.A.C. 8:21-4.31 through 8:21-4.49 are reserved.

8:21-4.50 Approved new drugs

(a) Amygdalin, also known as laetrile or vitamin B-17, which has complied with the provisions of N.J.S.A. 24:6A-1 et seq. and N.J.A.C. 8:21-4.1 et seq. and N.J.A.C. 8:21-4.25 et seq., and said new drug application has been approved by the Department of Health, shall be prohibited for use pursuant to N.J.S.A. 24:6F-5, unless such substance is prescribed by a physician on the form set out in N.J.S.A. 24:6F-1.

(b) All copies of the required form DDC-L5 shall be filed pursuant to the provisions of N.J.A.C. 8:21-4.28.

An order adopting these rules was filed and became effective on March 14, 1978 as R.1978 d.93 (Exempt, Emergency Rule).

G. Duncan Fletcher
Director of Administrative Procedure
Department of Health

(a)

HEALTH

DIVISION OF COMMUNITY HEALTH SERVICES

Rules on Dented Cans, Salvage Foods, Alcohol and Nonalcoholic Beverages

On March 16, 1978, Dr. Joanne E. Finley, Commissioner of Health, pursuant to authority of N.J.S.A. 24:2-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 8:21-11.1 et seq., concerning dented cans, salvage or distressed foods, alcohol and nonalcoholic beverages and industrial mishandling, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 62(a).

An order adopting these rules was filed and became effective on March 17, 1978, as R.1978 d.100.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Proposed Amendments on Waiver of Approval By Individual Diagnosis Certification

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4D-1 et seq. proposes to amend N.J.A.C. 10:52-1.4 and 10:54-1.4, concerning a waiver of approval by individual diagnosis certification.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:52-1.4(a)3.i. In hospitals that have signed an agreement for A.I.D. certification waiver, except for psychiatric services whether in an acute care general hospital or a private psychiatric hospital, physicians will no longer be required to submit separate certification and recertification forms, but instead must maintain all appropriate review documentation in an acceptable, timely manner within the patient's medical record.

10:54-1.4(b)1.i. In hospitals that have signed an agreement for A.I.D. certification waiver, except for psychiatric services whether in an acute care general hospital or a private psychiatric hospital, physicians will no longer be required to submit separate certification and recertification forms, but instead must maintain all appropriate review documentation in an acceptable, timely manner within the patient's medical record.

Interested persons may present statements in writing relevant to the proposed action on or before April 27, 1978, to:

Administrative Practice Officer
Division of Medical Assistance and Health Services
P.O. Box 2486
Trenton, New Jersey 08625

The Department of Human Services may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Legal Settlements In General Assistance Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend various sections in the General Assistance Manual concerning legal settlements.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:85-1.1(b) Each municipality in New Jersey is required by law (chapter I of title 44, Revised Statutes) to provide financial assistance and medical care to all eligible persons resident in the community at the time of application and not otherwise provided for under the laws of this State[.] and to such other persons who may be in the municipality and require emergency assistance. (See subchapter 4 of this chapter for definition of resident and subchapter 4 of this chapter for emergency assistance.)

10:85-1.3(a) Municipalities may apply for State aid for nonadministrative costs incurred in the General Assistance Program. Participating municipalities shall be entitled to 75 per cent reimbursement of nonadministrative assistance costs which are incurred in compliance with State standards. (See subchapter 2 of this chapter for general conditions of participation.)

Ed. Note: Delete current text of N.J.A.C. 10:85-1.3(a)2. entirely.

10:85-2.1(b)1. The amount of State aid which a municipality may receive is 75 per cent of its current year's approved public assistance expenditures, exclusive of the cost of administration. [(See also subchapter 6 of this chapter regarding State aid in cases which lack settlement.)]

10:85-3.2(f) [No person shall be denied assistance because he/she has not established settlement in the municipality in which he/she applies.] A resident of a municipality is a person who maintains a permanent customary home in the municipality, a person who is in the municipality with intention to remain, or a person who did maintain such a home prior to entering a medical facility. No time intervals are relevant so long as the home is not established for a temporary purpose such as for a visit, vacation, or receipt of medical care. A resident may live in his/her own home, a rented home or apartment, the home of a friend or relative or in a boarding home.

1. A person in a hospital, nursing home, intermediate care facility, maternity home or drug treatment center shall be considered a resident of the last municipality in which he/she was a resident prior to entering the facility. Only facilities which are licensed by the New Jersey Department of Health in the stated categories are to be recognized as being a temporary residence of an applicant or recipient for medical care. For a person in such a facility who is a resident elsewhere in New Jersey, the MWD in the municipality in which the facility is located will process all parts of the application except the making of payments. The local MWD will send the results of such eligibility determinations to the MWD of the responsible municipality for payment and/or other appropriate action.

[1.] 2. Transients: Persons who are not residents of the State of New Jersey and do not intend to establish residence shall receive such assistance as is necessary for them to return to their state of origin. However, no individual shall be forced to return to his/her state of origin if he/she wishes to establish residence in this State. Assistance in any amount over \$25.00 to non-resident persons enroute to other states shall be granted only with prior approval from the DPW.

[i. See section 1055 regarding arrangements and costs for return to another state.]

[2.]3. College students

[3.]4. Absence from State

10:85-4.6(a)3. Away from home — When a person is present under emergency conditions such that he/she wishes but is unable to return, for the purpose of making application for general assistance, to the place where he/she lives.

10:85-4.6(b)5. Emergency travel and related costs—When authorized under this section an emergency grant for a person away from home shall be sufficient for that person to travel to his/her own municipality or to the nearest place at which it has been confirmed that help from non-assistance funds may be expected. Travel costs shall be estimated or ascertained, as appropriate, according to the least expensive method of travel which is appropriate. The emergency grant shall be sufficient to allow payment for such food, clothing, or shelter as may be essential during the trip.

i. When circumstances prevent an accurate determination as to whether an applicant would be "otherwise eligible to receive general assistance" as required in this section, the MWD will evaluate the application according to the best information available.

Ed. Note: Delete current text of N.J.A.C. 10:85-6.2(a)1. and 10:85-6.3(a)1.i. entirely.

10:85-6.4(a)2. Report of assistance commitments (form GA-6): Form GA-6, accompanied by form GA-6A, will be submitted on a monthly basis to the DPW/BBS within 10 days after the end of the assistance month. Cases are to be listed in sequential order according to case number. [as indicated below:].

- [i. All cases, including . . . responsible;]
- [ii. Cases being . . . to the servicing municipality.]

i. The list will include all cases for which assistance was granted during the calendar month of the report and for which the reporting municipality is financially responsible. It will include cases for which payments were made to medical facilities whether or not serviced by another municipality in accordance with section 326.1 but shall not include any cases being serviced for another municipality.

Note: It is also proposed that subchapter 10, Legal settlements, in chapter 85 of title 10 in the Administrative Code be deleted in its entirety and marked as Reserved.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

G. Thomas Riti
Director, Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Proposed Amendments on Work Requirements In the General Assistance Program

Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111, proposes to amend a portion of the General Assistance Manual concerning mandatory registration of employable general assistance clients with the New Jersey Employment Service. The proposed amendments concern the deletion of the current text of N.J.A.C. 10:85-3.2(g) and the adoption of new text therein.

Full text of the proposed new rule follows:

10:85-3.2(g) Eligibility for public assistance in New Jersey is directly related to an individual's willingness to work when he/she is able to do so. It is, therefore, a part of the application process to explain the work requirement to the applicant and to record in the case file the reasons for any exemption from this requirement.

1. Elements of the work requirement: Unless specifically exempt, all recipients of general assistance must comply with all parts of this section:

i. Maintain current registration with the State Employment Service office. To be current, such registration must

be renewed at intervals of 60 days or less. Persons performing project work are considered continuously registered.

ii. Report to the Employment Service office upon request, providing all required information.

iii. Report for employment interviews as scheduled by the Employment Service.

iv. Accept employment or better employment if and when offered. This requirement is not limited to offers made through or on referral of the Employment Service.

v. In the absence of employment, accept training for employment as offered.

vi. Continue in employment or training unless good cause for discontinuance exists.

2. Exemptions from work requirement: An individual shall be exempt from the work requirement if any of the following exist:

i. The individual is under age 16 or is under age 18 and is attending school.

ii. The individual is over age 65.

iii. The individual's presence is required at home to care for one or more children under age seven or for ill family member(s). No more than one person in a household may be exempt for this reason without written authorization from DPW/BLO.

iv. The individual is participating in a lawful strike or is locked-out because of a labor dispute. Participation in an unlawful strike, a "sympathy" strike, or walkout or refusal to cross a picket line is, however, a voluntary cessation of work and is to be processed in accordance with paragraph 5 of this subsection.

v. The individual has a physical or mental condition which renders him/her unable to work. Such a condition is established when one of the following exist:

(1) The individual is receiving Social Security benefits as an aged, retired or disabled person.

(2) An examining physician verifies the existence of a physical or mental condition and certifies in writing the individual is unable to work.

vi. Pregnancy: Pregnancy, in and of itself, is not a reason for exemption from the work requirement. Determinations will be made on an individual basis, with primary consideration given to the physician's statement regarding the individual's current capacity to work.

3. Action in situations of exemption:

i. Action by MWD:

(1) The MWD will record dates and reasons for all determinations of exemption.

(2) When an exemption is authorized for any reason which is subject to change, the MWD will make redeterminations at appropriate intervals.

(3) When appropriate, the MWD will make referral of the recipient to the Division of Vocational Rehabilitation Services.

ii. Action by recipient:

(1) The recipient will provide all information required for determination of exemption or continuing exemption and will authorize release of required information by others.

(2) The recipient will report as referred for medical services and/or rehabilitation for purposes of restoring or improving employability and will cooperate in efforts to that end.

4. Good cause: Failure or refusal to accept or retain employment for good cause is established when any of the following exist:

i. No bona fide offer of employment was received by the individual.

ii. Wages offered or paid were less than an applicable minimum wage established by law.

iii. The individual was physically unable to engage in the employment in question.

iv. No reasonable means of transportation to work was available.

v. Working conditions were hazardous to health or safety.

vi. An offered job was available solely because of a strike or walkout of other employees of the employer or organization offering employment.

vii. The job required membership in a union which the recipient did not wish to join.

5. Failure to comply: Persons who are not exempt (section 327.2) and who fail or refuse without good cause (section 327.4) to comply with applicable parts of this work requirement section are considered to be unwilling to work and are subject to penalty as indicated below. When a person in an eligible unit of more than one person incurs a penalty of ineligibility, the grant will be reduced by the penalized person's pro rata share. The penalty will be removed upon demonstration of a willingness to work. Such demonstration may be made by the client's actual compliance at a level of effort at least equal to that at which the failure or refusal occurred.

i. Any person who fails or refuses without good cause to comply with any part of section 327.1 is ineligible for assistance. The MWD will deny or discontinue, as applicable, all assistance including medical payments for such person. The penalized person is not eligible for project work (section 327.6).

ii. Any person who voluntarily ceases employment without good cause during a period of non-receipt of assistance shall be considered unwilling to work. Such person shall not be eligible for cash assistance or medical payments until he/she actually returns to work. Such penalized person is not eligible for project work (section 327.6).

iii. Any person who fails or refuses without good cause to perform satisfactorily in assigned project work (section 327.6) shall be ineligible for cash assistance. Payments for medicals shall not be discontinued for this reason, however.

(1) Persons who satisfactorily perform a part of assigned project work shall be subject to deletion of that part of their own pro rata share which represents the part of the work not satisfactorily performed.

(2) Such persons are eligible for further project work when they are willing to resume it. Upon resumption at a satisfactory level of performance, the MWD will remove the penalty.

6. Project work: Employable recipients for whom the Employment Service is unable to locate immediate employment may be assigned to work projects developed by the Employment Service. The MWD will provide all necessary cooperation with the Employment Service.

i. Development of project work and designation of participants are functions assigned by law to the Employment Service. The MWD may recommend proposed projects to the Employment Service but will not undertake development of nor assign recipients to work on projects.

ii. The MWD will supply to the appropriate Employment Service office the names, addresses, telephone numbers (if any), and amount and period of grant of each employable recipient. The information will be provided in a format and on a time schedule mutually agreed upon in writing between the MWD and the manager of the local Employment Service office.

(1) Payments for medical care will not be included in the report to the Employment Service.

iii. The MWD will receive written notice from the Employment Service office of the assignment of any recipient to project work, satisfactory or unsatisfactory performance of the work, and release from assignment.

(1) Upon notice of assignment to a work project, the MWD will immediately advise the recipient via written notice of adverse action that assistance will be terminated upon failure without good cause to perform the assigned work in a satisfactory manner.

(2) Upon receipt of notice from the Employment Service of unsatisfactory performance, the MWD will investigate to determine whether good cause existed. If good cause for the unsatisfactory performance did not exist, the MWD will discontinue assistance to the recipient. Assistance for the recipient's spouse or children will not be discontinued for this reason, except that assistance for a spouse who is assigned to a project will be discontinued if the spouse also fails to perform satisfactorily without good cause. In the absence of a report of unsatisfactory performance, the MWD will assume that performance is satisfactory.

(3) In any instance of discontinuance of assistance not related to project work or change of employability status, the MWD will promptly notify the Employment Service to enable the Employment Service to have a current record of employable recipients at all times.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

G. Thomas Riti
Director, Division of Public Welfare
Box 1627
Trenton, N.J. 08625

The Division of Public Welfare may thereafter adopt rules concerning this subject without further notice.

Ann Klein
Commissioner
Department of Human Services

(a)

HUMAN SERVICES

SOCIAL SERVICES PLANNING UNIT

Notice of Availability of Proposed Comprehensive Annual Services Program Plan

Take notice that, the Department of Human Services has issued the following Notice concerning the publication and availability of the proposed Comprehensive Annual Services Program Plan for FY-79.

Full text of the notice follows:

On April 1, 1978, the above plan, was published by the Department of Human Services in accordance with title 45 of the Code of Federal Regulations, part 228. The plan gives information on title XX social services in New Jersey, definitions of what services are provided, income eligibility levels for recipients, where services are provided, and projected service expenditures.

Copies of the plan are available for public review at County Welfare Agencies, district offices of the Division of Youth and Family Services, and planning offices of the Boards of Freeholders.

Detailed summaries may be obtained by calling, toll free, 800-792-8306. Summaries are also available in Spanish. A complete copy of the plan may be purchased from the Social Services Planning Unit, 116 West State Street, Trenton, New Jersey 08625, for \$3.00 each. Checks should be made payable to Treasurer, State of New Jersey.

Public hearings during the review and comment period, which extends from April 1 to May 15, will be held in the following locations:

Tuesday, April 25, 1978: Township of Parsippany - Troy Hills
1:30 P.M. Municipal Building
1001 Parsippany Boulevard
Parsippany, New Jersey

Thursday, April 27, 1978: New Jersey Institute of Technology
7:30 P.M. The Center - Ballroom
(2nd floor)
150 Bleeker Street
Newark, New Jersey

Tuesday, May 2, 1978: Vineland State School
1:30 P.M. George Barton Thorne Auditorium
1676 East Landis Avenue
Vineland, New Jersey

Thursday, May 4, 1978: Labor and Education Center
7:30 P.M. Rutgers University
Ryders Lane
New Brunswick, New Jersey

The final plan pursuant to Federal regulations will be published by July 1, 1978.

This Notice is published as a matter of public information.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments to Medicaid Only Manual On Exclusion of Value of Home as Resource

On February 3, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-87 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:94-4.4 concerning the exclusion of the value of a home as a resource in the Medicaid Only Manual, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 13(c), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed on February 28, 1978, as R.1978 d.73 to become effective on April 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Identification of Exempt Assets in Food Stamp Manual

On February 23, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-4.13(a) concerning identification of exempt assets in the food stamp manual, as proposed in the Notice published December 8, 1977, at 9 N.J.R. 575(a).

An order adopting these amendments was filed and became effective on February 28, 1978, as R.1978 d.74.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Budgeting Of Cases Involving Stepparents

On February 27, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:82-2.9 concerning the budgeting of cases involving stepparents, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 14(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed on March 1, 1978, as R.1978 d.76, to become effective on April 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Referral of Clients to Division Of Vocational Rehabilitation Services

On February 27, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:8-111 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:85-5.3(h)3. concerning referral of clients to the Division of Vocational Rehabilitation Services, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 13(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed on March 1, 1978, as R.1978 d.77, to become effective on April 1, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

HUMAN SERVICES

THE COMMISSIONER

Rules on Debarment, Suspension and Disqualification of Contracting Persons

On February 28, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of Executive Order No. 34 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 10:3-1.1 et seq., concerning the debarment, suspension and disqualification of contracting persons, substantially as proposed in the Notice published October 6, 1977, at 9 N.J.R. 469(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

The changes in the adopted rules concern the addition of a new section 12 stating that the rules shall not amend, revoke or otherwise alter existing debarment, suspension and disqualification regulations already adopted by the divisions in the department; a technical correction has been made to a statutory citation in section 2(e); and in the introductory paragraph in the Notice of Proposal, the words "The proposed rules do not limit in any way the authority of the Department" were inadvertently dropped from that Notice of Proposal.

An order adopting these rules was filed and became effective on March 7, 1978, as R.1978 d.83.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments to Food Stamp Manual

On February 9, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 30:4B-2 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:87-5.8 in the Food Stamp Manual concerning the determination of net monthly food stamp income deductions, substantially as proposed in the Notice published August 4, 1977, at 9 N.J.R. 368(b), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 7, 1978, as R.1978 d.84.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

HUMAN SERVICES

DIVISION OF PUBLIC WELFARE

Amendments on Incentive Payments To CWAs for CSP Collections

On March 6, 1978, Ann Klein, Commissioner of Human Services, pursuant to authority of N.J.S.A. 44:7-6, 44:10-3

and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to Part 240 of Appendix D in Chapter 81 in Title 10 of the New Jersey Administrative Code concerning incentive payments to CWAs for CSP collections, substantially as proposed in the Notice published January 5, 1978, at 10 N.J.R. 14(a), with only inconsequential structural or language changes, in the opinion of the Department of Human Services.

An order adopting these amendments was filed and became effective on March 8, 1978, as R.1978 d.88.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

CORRECTIONS

STATE PAROLE BOARD

Amended Rules of the Parole Board

On March 15, 1978, Christopher Dietz, Chairman of the State Parole Board in the Department of Corrections, pursuant to authority of N.J.S.A. 30:4-123.6 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 10:70-1.1 et seq. concerning the rules of the State Parole Board.

These amendments repeal the current rules in subtitle J, chapter 70, title 10 of the New Jersey Administrative Code, with the exception of subchapter 11, executive clemency, which is retained but is now cited as subchapter 9, and adopt new text in chapter 70.

Following is a summary of the contents of the new rules:

Subchapter 1 Implements general administrative provisions designed to effect efficient operations consistent with due process. Included are sections on confidentiality of records, operation procedures of the board, and the executive powers of the board and the chairman.

Subchapter 2 Outlines procedures for the preparation of parole cases. Section 2.5 provides for monitoring and review of cases by a representative of the board (hearing examiner) who, in concert with Department of Corrections' assigned representatives, will advise inmates concerning parole requirements and the parole process upon their admission to the institution, and track the inmate's progress toward achieving parole goals and identifying community resources to support successful parole adjustment. This section will become effective six months after the March 15, 1978 effective date of these rules.

Subchapter 3 Outlines the parole hearing process. Section 3.3 establishes, for the first time, a statement of the factors considered by the board. Section 3.4 outlines statutory criteria for parole and includes a statement of the board's intent to promulgate guidelines governing parole determinations in accordance with the recommendation of the Governor's Advisory Committee on Criminal Justice Standards and Goals (1977). Section 3.5 establishes new procedures pursuant to tentative discussions between the board, the office of the attorney general and the Department of the Public Advocate, whereby inmates who are unable to participate in the normal parole hearing process can now be considered for parole. Section 3.6 provides for

(Continued on Page 30)

INTERIM INDEX FOR NEW JERSEY ADMINISTRATIVE CODE

This regular monthly listing provides an interim service for subscribers to the New Jersey Administrative Code, as a check-list of rules most recently adopted.

The index is current, covering all rules adopted through March 20, 1978. It is adjusted in the month following

a mailing of update pages to subscribers.

Since these most recent updates, the various State Departments have adopted the following rules—which have been printed in the Register but are not yet included in current pages of the Code:

RULES NOT YET PRINTED IN CODE

<u>N.J.A.C. CITATION</u>	<u>DOCUMENT CITATION</u>	<u>ADOPTION NOTICE (N.J.R. CITATION)</u>
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AGRICULTURE — TITLE 2

2:2-4.40	Rule on pseudorabies vaccination	R.1977 d.367	9 N.J.R. 502(b)
2:48-2.1	Amendments on advertising of milk products	R.1978 d.57	10 N.J.R. 92(a)
2:48-4.1	Confidentiality of certain reports	R.1977 d.366	9 N.J.R. 502(a)
2:52-1.6(a)	Revisions on required reports	R.1977 d.310	9 N.J.R. 404(a)
2:52-7.1 et seq.	Rules on application of minimum price regulations in sale of milk	R.1977 d.303	9 N.J.R. 403(c)
2:53-1.1(b)	Revised minimum milk prices	R.1977 d.294	9 N.J.R. 403(b)
2:53-1.1(b)	Amended minimum milk prices	R.1978 d.8	10 N.J.R. 54(a)
2:53-1.2(a)	Amend schedule 69-1N for North Jersey	R.1977 d.414	9 N.J.R. 555(c)
2:54-3.10	Amend Federal milk handling order	R.1977 d.407	9 N.J.R. 502(c)
2:69-1.11	Revisions on commercial values	R.1977 d.266	9 N.J.R. 403(a)
2:70-1.8	New rules on slurries and suspensions	R.1978 d.81	10 N.J.R. 3(a)
2:71-1.30	Revisions on certificates on grade for eggs	R.1977 d.339	9 N.J.R. 451(b)
2:90-1.3, 1.7, 1.12	Revisions to rules of Soil Conservation Committee	R.1978 d.5	10 N.J.R. 54(b)

(Rules in the Administrative Code for Title 2 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 11.)

BANKING — TITLE 3

3:1-2.2, 2.3	Amend certain procedural rules	R.1977 d.462	10 N.J.R. 2(b)
3:1-2.24	Minimum subscription for capital stock associations	R.1978 d.71	10 N.J.R. 5(a)
3:1-6.1 et seq.	Amended fees	R.1977 d.469	10 N.J.R. 3(a)
3:1-9.1 et seq.	Rules on home mortgage disclosures	R.1977 d.308	9 N.J.R. 405(c)
3:1-9.2	Amended definition of home improvement loan	R.1977 d.470	10 N.J.R. 3(b)
3:1-10.1 et seq.	Restrictions on real property transactions in new charter applications	R.1978 d.55	10 N.J.R. 92(c)
3:1-11.1 et seq.	Restrictions on loans involving affiliated persons	R.1977 d.471	10 N.J.R. 3(c)
3:7-2.3	Deletion on verification of real estate taxes	R.1977 d.428	9 N.J.R. 556(a)
3:7-3.9(a)26.	Amend electronic data processing	R.1978 d.103	10 N.J.R. 4 (b)
3:10-3.2, 3.3	Amendments on private mortgage insurance	R.1977 d.429	9 N.J.R. 556(b)
3:17-6.4	Repeal rule on husband and wife as one borrower	R.1977 d.330	9 N.J.R. 452(c)
3:18-6.1	Pledged receivables as collateral security for commercial loans	R.1978 d.41	10 N.J.R. 92(b)

(Rules in the Administrative Code for Title 3 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

CIVIL SERVICE — TITLE 4

(Rules in the Administrative Code for Title 4 include all adoptions to date—Transmittal Sheet No. 11.)

COMMUNITY AFFAIRS — TITLE 5

5:23-2.6	Revisions to energy subcode	R.1977 d.381	9 N.J.R. 506(b)
3.3, 3.8, 4.3 and 4.8			
5:23-3.4(a)21	Revisions to building subcode	R.1977 d.380	9 N.J.R. 506(a)
5:23-4.3(c)6.	Amendments on conflicts of interest	R.1977 d.434	9 N.J.R. 558(a)
5:23-4.9, 5.3	Amendments on effective dates	R.1977 d.435	9 N.J.R. 558(b)
5:24-1.1 et seq.	Conversion to condominiums and cooperatives	R.1978 d.22	10 N.J.R. 55(b)
5:30-1.14	Public participation in revenue sharing program	R.1977 d.479	10 N.J.R. 55(a)

(Rules in the Administrative Code for Title 5 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

EDUCATION — TITLE 6

6:2-1.17	Appeals from commissioner on budget cap waivers	R.1977 d.420	9 N.J.R. 559(a)
6:3-1.1, 6:5-2.1	Amendments on acting administrators	R.1977 d.421	9 N.J.R. 559(b)
6:3-1.6	Delete summer payment plan rule for academic year personnel	R.1977 d.465	10 N.J.R. 6(b)
6:3-1.11	Amendments on superintendency	R.1978 d.7	10 N.J.R. 59(a)
6:3-2.1	Amendments on pupil records		
through 6:3-2.8		R.1978 d.87	10 N.J.R. 10(c)
6:4-1.5	Revisions on school and classroom practices	R.1977 d.274	9 N.J.R. 416(a)
6:8-1.1, 3.4, 3.8	Revisions on thorough and efficient system of public schools	R.1977 d.199	9 N.J.R. 310(a)
6:8-1.1, 6.2, 7.1	Amendments on thorough and efficient system	R.1978 d.85	10 N.J.R. 10(a)
6:11-3.6	Amendments on assignment of titles	R.1977 d.422	9 N.J.R. 559(c)
6:11-10.5	Delete current text on special regulations	R.1977 d.423	9 N.J.R. 559(d)
6:11-10.11	Revisions on assistant superintendent for business	R.1977 d.341	9 N.J.R. 459(b)
6:20-2.3	Amendments on bookkeeping in local school districts	R.1977 d.463	10 N.J.R. 5(b)
6:21-7.1	Revisions on limit of apportionment of State aid	R.1977 d.277	9 N.J.R. 416(d)
6:22-2.5(e), 7.6 3.27, 3.28	Revisions on final plans approvals	R.1977 d.275	9 N.J.R. 416(b)
6:22-2.9	Revisions on master plans	R.1977 d.236	9 N.J.R. 359(b)
6:27-2.1	Revisions on approval of private secondary schools, independent and parochial	R.1977 d.385	9 N.J.R. 511(b)
6:27-7.1	Approval of secondary schools operated by other state, county or local agencies	R.1977 d.386	9 N.J.R. 511(c)
6:28-5.1 et seq.	Rules on auxiliary services for nonpublic school pupils	R.1977 d.464	10 N.J.R. 6(a)
6:28-6.1 et seq.	Rules on corrective speech services for nonpublic school pupils	R.1977 d.466	10 N.J.R. 6(c)
6:29-4.2	Revisions on testing for tuberculosis	R.1977 d.276	9 N.J.R. 416(c)
6:39-1.4	Minimum levels of pupil proficiency	R.1977 d.198	9 N.J.R. 309(a)
6:43-1.2(e)	Revisions on program requirements	R.1977 d.278	9 N.J.R. 417(a)
6:46-4.18	Recognition of accredited private vocational schools	R.1978 d.86	10 N.J.R. 10(b)
6:53-1.1 et seq.	Vocational education safety standards	R.1977 d.279	9 N.J.R. 417(b)
6:66-1.12, 1.19	Revisions on archives and history and records management	R.1977 d.340	9 N.J.R. 459(a)

(Rules in the Administrative Code for Title 6 include all adoptions prior to May 25, 1977—Transmittal Sheet No. 10.)

ENVIRONMENTAL PROTECTION — TITLE 7

7:1C-1.1 et seq.	Revisions on 90-day construction permits	R.1977 d.390	9 N.J.R. 513(c)
7:7A-1.13(a)	Extend Wetlands Order for parts of Salem, Cape May and Ocean	R.1977 d.267	9 N.J.R. 418(b)
7:8-1.1 et seq.	Rules of practice and procedure; Division of Water Resources	R.1978 d.48	10 N.J.R. 101(b)
7:9-2.1 et seq., 7:10-3.10 et seq.	Standards for construction of sewerage facilities and water systems	R.1978 d.21	10 N.J.R. 61(b)
7:9-2.1 et seq., 7:10-3.10 et seq.	Extend effective date on construction of sewage facilities	R.1978 d.102	10 N.J.R. 14(d)
7:9-4.4, 4.6, 4.8, 14.1 et seq.	Amendments on water quality standards for Pine Barrens	R.1978 d.20	10 N.J.R. 61(a)
7:9-10.1 et seq.	Amendments on Pine Barrens as critical area for sewerage	R.1978 d.19	10 N.J.R. 60(a)
7:9, 10, 20	Amend certain rules of the Division of Water Resources	R.1977 d.477	10 N.J.R. 10(c)
7:12-1.1, 1.3	Amendments on shellfish in Great Egg Harbor Bay	R.1977 d.427	9 N.J.R. 561(b)
7:12-1.1, 1.3	Amendments on shellfish beds in Barnegat Bay	R.1978 d.69	10 N.J.R. 12(a)
7:12-1.3(a) 14.	Revisions on condemnation of certain shellfish beds	R.1977 d.300	9 N.J.R. 420(b)
7:12-1.3(a)39.i.	Revisions on condemnation of certain shellfish beds	R.1977 d.301	9 N.J.R. 420(c)
7:12-1.3(a)39i.(1)	Amendments on condemnation of certain shellfish harvesting waters	R.1977 d.283	9 N.J.R. 419(a)
7:13-1.2, 1.4	Amendments on floodway delineations	R.1978 d.70	10 N.J.R. 13(a)
7:14-1.1 et seq.	Rules on the Water Pollution Control Act	R.1977 d.268	9 N.J.R. 418(c)
7:14-7.1 et seq.	Rules on ocean dumping alternatives development	R.1977 d.458	10 N.J.R. 10(b)
7:16-1.1 et seq.	Financial assistance for public sewage systems	R.1978 d.18	10 N.J.R. 59(c)
7:22-1.1 et seq.	Award of grants for the planning, design and construction of wastewater treatment facilities	R.1977 d.356	9 N.J.R. 465(b)
7:25-9.5	Rules on crab dredging	R.1977 d.269	9 N.J.R. 418(d)
7:25-9.6	Relaying hard clams; Manasquan River	R.1977 d.338	9 N.J.R. 464(b)
7:25-9.6(g), (h)	Revision on relaying hard clams in Manasquan River	R.1977 d.363	9 N.J.R. 512(b)
7:26-1.4, 2.6, 2.11, 2.13, 7.1 et seq.	Amendments on manifest system for hazardous wastes	R.1978 d.72	10 N.J.R. 14(a)
7:26-1.10(c)	Revisions to effective dates of categories of solid waste districts	R.1977 d.311	9 N.J.R. 421(a)
7:27-2.10(a)	Delete portion of rule on orchard prunings	R.1977 d.485	10 N.J.R. 59(b)
7:27-3.1 et seq.	Revisions on control and prohibition of smoke from combustion of fuel	R.1977 d.284	9 N.J.R. 420(a)
7:27-4.1 et seq.	Revisions on control and prohibition of particles from combustion	R.1977 d.284	9 N.J.R. 420(a)
7:27-5.1 et seq.	Revisions on prohibition of air pollution	R.1977 d.284	9 N.J.R. 420(a)

7:28-24.1 et seq.	Nuclear medicine technology	R.1978 d.101	10 N.J.R. 14(c)
7:28-25.1 et seq.	Radiation laboratory fee schedule	R.1978 d.47	10 N.J.R. 101(a)
7:36-1.1 et seq.	Rules on Green Acres land grant program	R.1977 d.395	9 N.J.R. 514(a)
Temporary rule	Revisions on sea clam harvest area openings	R.1977 d.337	9 N.J.R. 464(a)
Temporary rule	Special rule on limiting use of shotgun shells	R.1977 d.355	9 N.J.R. 465(a)
Temporary rule	1978 Fish Code	R.1977 d.384	9 N.J.R. 513(a)
Temporary rule	Crab dredging season for Atlantic Coast	R.1977 d.387	9 N.J.R. 513(b)
Temporary rule	Rules on 1977-78 sea clam season	R.1977 d.451	10 N.J.R. 10(a)

(Rules in the Administrative Code for Title 7 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

HEALTH — TITLE 8

8:7-1.9(a)2.i.	Amendments on qualifications of health officer	R.1978 d.24	10 N.J.R. 62(c)
8:21-2.31	Amendments on sterilization of cooking and utensils	R.1977 d.404	9 N.J.R. 519(e)
8:21-4.1 et seq.	New drugs and amygdalin	R.1978 d.93	10 N.J.R. 16(a)
8:21-7.1 et seq.	Extension of effective date to July 1, 1979	R.1977 d.472	10 N.J.R. 12(b)
8:21-11.1 et seq.	Rules on dented cans, salvage foods and beverages	R.1978 d.100	10 N.J.R. 17(a)
8:30-14.1 et seq.	Long-term-care facilities for indigents as condition for licensure	R.1978 d.25	10 N.J.R. 62(d)
8:31-8.1 et seq.	Amended standards and criteria; prenatal services	R.1978 d.49	10 N.J.R. 103(b)
8:31-25.1(a)	Amend list of therapeutic agents on mobile units	R.1977 d.403	9 N.J.R. 519(d)
8:31-27.1 et seq.	Rules on megavoltage radiation oncology units	R.1977 d.397	9 N.J.R. 518(b)
8:31A-10.5	Implementation of economic factor for SHARE	R.1977 d.396	9 N.J.R. 518(a)
8:33-1.5(f)3.	Amendment or certificates of need and transfers of ownership	R.1978 d.62	10 N.J.R. 104(a)
8:33-1.5(i), 3.11	Amendments on submission of certificate of need	R.1977 d.399	9 N.J.R. 518(d)
8:36A-1.1 et seq.	Rules on regional end-stage renal disease services	R.1977 d.398	9 N.J.R. 518(c)
8:39-1.1 et seq.	Amended standards for licensing long-term care facilities	R.1978 d.65	10 N.J.R. 104(d)
8:42-1.18(f)	Amendments on licensure of home health agencies	R.1977 d.400	9 N.J.R. 519(a)
8:43-4.7(c)	Amendments on records for new boarding homes	R.1977 d.401	9 N.J.R. 519(b)
8:43B-15.1 et seq.	Renal dialysis services	R.1978 d.63	10 N.J.R. 104(b)
8:43B-16.1 et seq.	Nurse-midwifery services	R.1978 d.64	10 N.J.R. 104(c)
8:51-7.1 et seq.	Rules on childhood lead poisoning	R.1977 d.402	9 N.J.R. 519(c)
8:57-1.19	Reporting bladder cancer	R.1977 d.467	10 N.J.R. 12(a)
8:65-10.1(a)1.	Add thiophene analog of phencyclidine as dangerous	R.1977 d.441	9 N.J.R. 567(b)
8:65-10.4	Addition of Lorazepam to controlled dangerous substances	R.1978 d.23	10 N.J.R. 62(b)
8:65-10.5	Add Loperamide as dangerous	R.1977 d.440	9 N.J.R. 567(a)
8:65-10.6	Excluded O.T.C. substances	R.1978 d.60	10 N.J.R. 103(d)
8:65-10.7	Excepted prescription drugs	R.1978 d.61	10 N.J.R. 103(e)
8:65-10.8	Exempt chemical preparations	R.1978 d.59	10 N.J.R. 103(c)

(Rules in the Administrative Code for Title 8 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 8.)

HIGHER EDUCATION — TITLE 9

9:2-2.2	Definition of academic year	R.1978 d.52	10 N.J.R. 105(b)
9:2-11.1 et seq.	Veterans tuition credit program	R.1977 d.376	9 N.J.R. 521(a)
9:4-3.57(b)	Amendments on non-credit and credit courses auditing procedures	R.1977 d.483	10 N.J.R. 63(a)
9:4-7.2(d)	Amendment on multi-year contracts for non-teaching personnel	R.1978 d.53	10 N.J.R. 105(c)
9:11-1.1 et seq.	Amend financial aid guidelines for students	R.1978 d.54	10 N.J.R. 105(d)
9:14-3	Amendments to SPUR rules	R.1977 d.439	9 N.J.R. 571(a)

(Rules in the Administrative Code for Title 9 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 10.)

HUMAN SERVICES — TITLE 10

CORRECTIONS

10:3-1.1 et seq.	Rules on debarment of contracting persons	R.1978 d.83	10 N.J.R. 22(a)
10:37-12.1 et seq.	Construction assistance for community mental health facilities	R.1977 d.482	10 N.J.R. 63(d)
10:49-1.3(b)	Adoption by reference of Federal standards for mentally retarded	R.1977 d.490	10 N.J.R. 65(b)
10:49-1.1 through 10:49-6.1 et seq.	Revisions on administration and general information; Health Services Program	R.1977 d.213	9 N.J.R. 342(c)
10:49-1.5(a)12.	Amendments on general exclusions	R.1977 d.408	9 N.J.R. 534(b)
10:49-1.25	Medicaid reimbursement for abortions	R.1977 d.243	9 N.J.R. 370(e)
10:49-11.1	Medicaid management information system	R.1977 d.409	9 N.J.R. 534(c)
10:50-1.1 et seq.	Revised transportation services manual	R.1977 d.374	9 N.J.R. 533(b)

10:50-2.1 et seq.	Revised transportation billing	R.1977 d.375	9 N.J.R. 534(a)
10:51-1.10(c)	Amendments on basis of payment for legend drugs	R.1978 d.1	10 N.J.R. 66(d)
10:51-1.1 et seq.	Revisions concerning pharmaceutical services	R.1977 d.215	9 N.J.R. 343(b)
10:51-2.1 et seq.	Revised pharmacy billing procedures	R.1977 d.313	9 N.J.R. 435(c)
10:51-4.1 et seq.	Consultant pharmacist services	R.1977 d.214	9 N.J.R. 343(a)
10:54-1.2(b)	Medicaid childhood immunization policy	R.1977 d.424	9 N.J.R. 582(c)
10:54-3.5, 3.6	Amendments on pneumococcal polyvalent vaccine	R.1978 d.44	10 N.J.R. 116(b)
10:51-5.1 et seq.	Rules on pharmaceutical assistance to aged program	R.1977 d.491	10 N.J.R. 66(a)
10:56-1.1 et seq.	Amended dental services manual	R.1978 d.2	10 N.J.R. 66(e)
10:56-1.48,	Revisions on injectables policy for podiatrists and dentists	R.1977 d.302	9 N.J.R. 435(a)
10:57-1.4, 1.22			
10:57-1.1	Amended definition of podiatry services	R.1977 d.417	9 N.J.R. 582(b)
10:63-1.16	Involuntary transfer of patients	R.1977 d.425	9 N.J.R. 583(a)
10:63-3.1 et seq.	Amendments on cost study, rate review guidelines, long-term-care	R.1977 d.489	10 N.J.R. 65(a)
10:65-3.12	Involuntary transfer of patients	R.1977 d.425	9 N.J.R. 583(a)
10:69A-1.1 et seq.	Amendments on pharmaceutical assistance to aged	R.1977 d.492	10 N.J.R. 66(b)
10:70-1.1 et seq.	Amended rules of State Parole Board	R.1978 d.97	10 N.J.R. 22(d)
10:81	Amendments to Public Assistance Manual to conform to P.L. 1977, c.127	R.1977 d.452	10 N.J.R. 16(b)
10:81-2.8, 3.18, 5.9	Revisions on WIN registration program	R.1977 d.226	9 N.J.R. 370(a)
10:81-3.12, 7.46	Revisions on suspected child abuse or neglect	R.1977 d.332	9 N.J.R. 479(a)
10:81-3.15	Delete rule on noncontributing person(s) in household	R.1977 d.212	9 N.J.R. 342(b)
10:81-3.18(1)	Amendments on lawful strikes in public assistance	R.1977 d.411	9 N.J.R. 575(c)
10:81-4.14	Revisions on recipient's right to a fair hearing	R.1977 d.290	9 N.J.R. 434(b)
10:81-6.5	Revisions on clients' right during pendency of fair hearing	R.1977 d.289	9 N.J.R. 434(a)
10:81-6.10, 6.12, 6.13, 6.14	Amendments to Public Assistance Manual	R.1977 d.412	9 N.J.R. 582(a)
10:81-6.13(d)	Revisions on fair hearing decisions	R.1977 d.227	9 N.J.R. 370(b)
10:81-6.15(d)	Amendments on fair hearing requests	R.1977 d.447	10 N.J.R. 16(a)
10:81-7.44	Revisions on cases involving fraudulent receipt of assistance	R.1977 d.230	9 N.J.R. 370(d)
10:81 Appendix D	Revisions on child support and paternity program	R.1977 d.307	9 N.J.R. 435(b)
10:81 Appendix D	Amendments on incentive payments to CWA's	R.1978 d.88	10 N.J.R. 22(c)
10:82-1.1 et seq.	Revised Assistance Standards Handbook	R.1977 d.211	9 N.J.R. 342(a)
10:82-2.9	Amendments on budgeting cases involving stepparents	R.1978 d.76	10 N.J.R. 21(c)
10:82-3.2(b)7.viii.	Exemption on experimental housing assistance	R.1977 d.431	9 N.J.R. 584(b)
10:82-3.2(b) 10.	Revisions on personal loan exemptions	R.1977 d.229	9 N.J.R. 370(c)
10:82-5.12(a)	Amendments on emergency assistance	R.1977 d.299	9 N.J.R. 434(e)
10:85-3.1(a),			
10:85-3.1(b)2.	Amendments on eligibility for general assistance	R.1977 d.410	9 N.J.R. 535(a)
10:85-3.1(a)2,	Amendments on sponsors of aliens as potential resources	R.1977 d.444	10 N.J.R. 15(a)
3.3(e)1.,3.4(b)1.,			
9.1(d)			
10:85.3.3, 4.1, 4.2	Amendments on general assistance payment levels	R.1977 d.488	10 N.J.R. 64(c)
10:85-3.3(e)4.	Amendments on financial eligibility and support	R.1977 d.445	10 N.J.R. 15(b)
and 9.5(c)			
10:85-3.3(e)5.	Amendments on exemption of HUD vendor payments	R.1977 d.446	10 N.J.R. 15(c)
10:85-3.3(e)5.v.	Amendments on personal loans as exempt income	R.1977 d.291	9 N.J.R. 434(c)
10:85-5.3(h)3.	Amendments on referral of clients to DVRS	R.1978 d.77	10 N.J.R. 21(d)
10:87-3.24	Delete rule on administrative reports	R.1977 d.487	10 N.J.R. 64(b)
10:87-5.8	Amendments on income deductions for food stamps	R.1978 d.84	10 N.J.R. 22(b)
10:87-5.7(a)6., 8.	Amendments on countable income for food stamps	R.1977 d.430	9 N.J.R. 584(a)
10:87-4.13(a)	Identification of exempt assets for food stamps	R.1978 d.74	10 N.J.R. 21(b)
10:87-5.8(c)	Amendments on medical expenses deductible for food stamp income	R.1977 d.335	9 N.J.R. 479(d)
10:87-6.9, 6.10, 7.24	Revise food stamp manual on notification	R.1977 d.373	9 N.J.R. 533(a)
10:87-6.14, 6.41,	Amendments to Food Stamp Manual	R.1978 d.43	10 N.J.R. 116(a)
6.42 and 6.44			
10:87-7.17(a)6	Amendment on appellant's right during fair hearing	R.1977 d.486	10 N.J.R. 64(a)
10:87-8.1 et seq.	Fiscal procedures in food stamp program	R.1977 d.288	9 N.J.R. 433(c)
10:94-3.13(b)	Revisions on optometrists as qualified to examine visually impaired	R.1977 d.334	9 N.J.R. 479(c)
10:94-4.4	Amendments on exclusion of home Medicaid only	R.1978 d.73	10 N.J.R. 21(a)
10:94-4.4(d)	Amendments on ownership of resources; Medicaid Only Manual	R.1977 d.336	9 N.J.R. 479(e)
10:94-4.42	Maximum resources for institutionalized individuals	R.1977 d.333	9 N.J.R. 479(b)
10:109-1.1 et seq.	Revisions to Ruling 11	R.1977 d.293	9 N.J.R. 434(d)
10:109-2.2(e)	Amend Ruling II classification and compensation plan	R.1977 d.459	10 N.J.R. 16(c)
10:122-2.4, 2.5, 2.6	Revisions on child care licensing	R.1977 d.225	9 N.J.R. 369(a)
10:128-1.1 et seq.	Manual of Standards for Group Homes	R.1977 d.287	9 N.J.R. 433(b)
Temporary rule	1978 State plan for vocational rehabilitation	R.1977 d.494	10 N.J.R. 66(c)

(Rules in the Administrative Code for Title 10 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

INSURANCE — TITLE 11

11:1-5.2(f)	Assumption of insolvent N.Y. insurers' obligations	R.1977 d.389	9 N.J.R. 535(d)
11:1-5.2(g)	Policies of Empire Mutual Insurance Co. and Allcity Insurance Co.	R.1977 d.413	9 N.J.R. 586(a)
11:1-5.2(g)4	Amendment on three-year policies covered by JUA	R.1978 d.3	10 N.J.R. 69(a)
11:1-5.4	FAIR Plan surcharge	R.1978 d.78	10 N.J.R. 33(a)
11:1-10.1	Amended definition of financial institutions	R.1978 d.17	10 N.J.R. 70(a)
11:1-10.1 et seq.	Amendments on licensing of financial institutions	R.1977 d.405	9 N.J.R. 536(c)
11:1-11.3	Disciplinary action and restitution	R.1978 d.11	10 N.J.R. 69(b)
11:2-1.5	Educational program requirements for title agents	R.1977 d.438	9 N.J.R. 586(a)
11:3-8.1	Amendment on nonrenewal of auto insurance	R.1977 d.437	9 N.J.R. 586(b)
11:3-11.1	Motorized bicycle insurance	R.1978 d.12	10 N.J.R. 69(c)
11:4-10.2	Required notice concerning expenses exhibits	R.1977 d.358	9 N.J.R. 481(b)
11:4-13.1 et seq.	Group student health insurance	R.1977 d.309	9 N.J.R. 438(d)
11:4-14.1 et seq.	Home health care insurance coverage	R.1977 d.476	10 N.J.R. 16(d)
11:5-1.1	Revisions on disciplinary action	R.1977 d.392	9 N.J.R. 536(b)
11:5-1.15(d)	Amendment to advertising rules	R.1978 d.42	10 N.J.R. 116(c)
11:5-1.16(d)	Amendments on prohibited advertising	R.1977 d.391	9 N.J.R. 536(a)
11:5-1.25(h)	Revisions on sale of interstate properties	R.1977 d.292	9 N.J.R. 438(c)

(Rules in the Administrative Code for Title 11 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

LABOR AND INDUSTRY — TITLE 12

12:15-1.3	Revised 1978 maximum weekly benefit rates	R.1977 d.297	9 N.J.R. 439(b)
12:15-1.4	Revised 1978 taxable wage base under unemployment compensation	R.1977 d.298	9 N.J.R. 439(c)
12:235-4.8	Amendments on certificates of readiness	R.1977 d.406	9 N.J.R. 537(b)
Temporary	Revised 1978 workers' compensation benefit rates	R.1977 d.296	9 N.J.R. 439(a)
Temporary rule	Listing of wage rates for construction workers	R.1977 d.383	9 N.J.R. 537(a)

(Rules in the Administrative Code for Title 12 include all adoptions prior to Jan. 26, 1977—Transmittal Sheet No. 7.)

LAW AND PUBLIC SAFETY — TITLE 13

13:2-1.1 et seq.	Revised rules of Division of Alcoholic Beverage Control	R.1977 d.342	9 N.J.R. 487(b)
13:2-1.1 et seq.	Delete references to old addresses of ABC Division	R.1978 d.33	10 N.J.R. 121(a)
13:2-3.11	Alcoholic Beverage Licenses in Atlantic City	R.1977 d.348	9 N.J.R. 487(c)
13:2-18.7, 31.3, 31.6(b), 34.6	Amendments on sales and licensing	R.1978 d.75	10 N.J.R. 38(a)
13:4-8.2(a)1.	Delete on discovery by parties other than Division	R.1978 d.82	10 N.J.R. 39(a)
13:4-9.1, 8.2, 8.4	Amendments on procedure rules of Division on Civil Rights	R.1978 d.26	10 N.J.R. 72(a)
13:4-12.9	Costs of hearings	R.1978 d.46	10 N.J.R. 121(b)
13:19-10.1 et seq.	Revisions on point system and driving during suspension	R.1977 d.352	9 N.J.R. 488(b)
13:20-27.1	Delete rule and mark section and subchapter as revised	R.1978 d.66	10 N.J.R. 122(a)
13:20-32.3(b), 33.22(b)	Amendments on vehicle reinspection centers as to engine emission category	R.1978 d.67	10 N.J.R. 122(b)
13:20-35.1 et seq.	Inspection of State-owned vehicles by central motor pool	R.1978 d.40	10 N.J.R. 71(b)
13:23-2.2(d)	Amendments on documents; initial applications for drivers' school licenses	R.1978 d.68	10 N.J.R. 122(c)
13:25-1.1 et seq.	Rules on motorized bicycles	R.1978 d.58	10 N.J.R. 121(d)
13:33-1.29	Amendments on record of prescription filled	R.1978 d.9	10 N.J.R. 72(b)
13:33-1.35(a)	Amendments on professional advertising	R.1978 d.32	10 N.J.R. 120(a)
13:35-1.4	Amendments on approving educational chiropractic institutions	R.1977 d.481	10 N.J.R. 71(c)
13:35-7.2	Termination of pregnancy	R.1977 d.351	9 N.J.R. 488(a)
13:37-8.1 et seq.	Revisions on schools of practical nursing	R.1977 d.273	9 N.J.R. 440(b)
13:44-2.9	Temporary permits	R.1977 d.285	9 N.J.R. 441(a)
13:47B-1.3, 1.7, 1.11, 1.13, 1.15, 1.20, 1.21, 2.1 et seq.	Amend rules on weights and measures	R.1978 d.56	10 N.J.R. 121(c)
13:70-1.17, 1.27, 14:29, 16.34 13:71-5.1, 5.20, 8.38, 23.22	Amend harness and thoroughbred racing rules	R.1977 d.331	9 N.J.R. 487(a)

(Rules in the Administrative Code for Title 13 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 10.)

ENERGY — TITLE 14A (Including Public Utility Commission - 14)

14:1-1.7, 4.3, 6.5, 8.4, 8.5, 9.4, 10.1	Revisions on communications	R.1977 d.263	9 N.J.R. 442(a)
14:10-1.1 et seq.	Amendments on telephone service	R.1978 d.89	10 N.J.R. 39(b)
14:18-11.19, 11.21	Revisions on required information	R.1977 d.295	9 N.J.R. 443(a)
14A:1.1 et seq.	Adopt P.U.C. rules of practice by reference	R.1977 d.264	9 N.J.R. 442(b)
14A:1-1 et seq.	Rules of practice for Department of Energy	R.1977 d.433	9 N.J.R. 593(a)
14A:2-1.1 et seq.	Energy emergency allocation	R.1977 d.432	9 N.J.R. 592(b)

(Rules in the Administrative Code for Title 14 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 8.)

STATE — TITLE 15

(Rules in the Administrative Code for Title 15 include all adoptions to date—Transmittal Sheet No. 10.)

PUBLIC ADVOCATE — TITLE 15A

15A:1-1.1 et seq.	Rules of practice; Public Interest Advocacy (No rules yet available in the Code.)	R.1977 d.362	9 N.J.R. 541(b)
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TRANSPORTATION — TITLE 16

16:1-2.1 et seq.	Revisions on issuance and sale of DOT public records	R.1977 d.345	9 N.J.R. 493(d)
16:28-1.98, 1.168 to 1.170	Amendments on speed limits on Routes 52, U.S. 202, I-676 and I-76	R.1978 d.39	10 N.J.R. 126(e)
16:28-1.171	Speed limits on Route 31	R.1978 d.40	10 N.J.R. 127(a)
16:28-3.36, 3.56, 3.158, 3.159	Amendments on restricted parking on Routes 70, U.S. 130 and 179	R.1978 d.37	10 N.J.R. 126(c)
16:28-3.59, 3.161-3.165	Restricted parking on Routes 21, 44, 17 and 31	R.1978 d.36	10 N.J.R. 126(b)
16:28-3.83	Amendments on restricted parking on Route U.S. 206 in Lawrence Twp.	R.1978 d.35	10 N.J.R. 126(f)
16:28-3.103	Revisions on restricted parking on parts of Route 49	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.151, 152	Restricted parking on parts of Routes 31 and 28	R.1977 d.327	9 N.J.R. 493(a)
16:28-3.153, 3.154	Restricted parking on parts of Routes 88 and 28	R.1977 d.329	9 N.J.R. 493(c)
16:28-3.155	Restricted parking on parts of Route 57	R.1977 d.328	9 N.J.R. 493(b)
16:28-3.157, 3.158	Restricted parking on parts of U.S. Routes 22 and 57	R.1977 d.493	10 N.J.R. 80(a)
16:28-3.160	Restricted parking on Route 36	R.1978 d.38	10 N.J.R. 126(d)
16:28-3.166-3.168	Restricted parking on Routes 79, 21A and U.S. 130	R.1978 d.34	10 N.J.R. 126(a)
16:28-5.3	Stop intersection on part of Route 208	R.1977 d.326	9 N.J.R. 492(c)
16:28-6.16	No left turn on parts of Route 23	R.1977 d.325	9 N.J.R. 492(b)
16:28-12.1, 12.5, 12.9, 12.15, 12.16 and 12.17	No right turns on red on parts of Routes US 1, 5, 10, 22, 23 and 24	R.1977 d.456	10 N.J.R. 36(e)
16:28-12.18, 12.19, 12.20, 12.26, 12.35 and 12.36	Amend no right turns on parts of Routes 27, 28, 29, 36, 46 and 47	R.1977 d.454	10 N.J.R. 36(c)
16:28-12.37, 12.38, 12.44, 12.55 and 12.56	No right turns on parts of Routes 49, 70, 124 and US 130	R.1977 d.453	10 N.J.R. 36(b)
16:28-12.56 through 12.59	No right turns on red on parts of Routes 130, 154, 166 and 168	R.1977 d.455	10 N.J.R. 36(d)
16:28-13.4	Limited access on interstate highways	R.1977 d.443	10 N.J.R. 36(a)
16:28-15.1 et seq.	No-passing zones on Route 109 and U.S. 206	R.1978 d.80	10 N.J.R. 40(a)
16:41-8	Amend rules on outdoor advertising on access highways	R.1977 d.426	9 N.J.R. 593(d)
16:41-10.9	Violations relating to permits	R.1977 d.418	9 N.J.R. 593(c)
16:65-1.1, 1.2, 4.2, 5.1, 5.5, 6.2	Revisions on classification of contractors	R.1977 d.388	9 N.J.R. 543(b)

(Rules in the Administrative Code for Title 16 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

TREASURY-GENERAL — TITLE 17

17:1-4.19	Amendments on biweekly salary for retirement	R.1978 d.96	10 N.J.R. 43(b)
17:1-4.30	Optional settlements for group life	R.1977 d.416	9 N.J.R. 601(a)
17:1-10.1, 10.3	Amend rules on prescription drug program	R.1978 d.98	10 N.J.R. 43(c)
17:1-11.1 et seq.	Rules on dental expense program	R.1978 d.99	10 N.J.R. 43(d)
17:3-3.3, 6.26, 6.27	Amendments on salary computation of benefits	R.1978 d.104	10 N.J.R. 44(a)
17:4-2.1, 2.6	Revisions on enrollment dates	R.1977 d.377	9 N.J.R. 544(b)
17:4-3.1(i), 6.16(b)	Amend Police and Firemen's Retirement rules	R.1978 d.105	10 N.J.R. 44(b)
17:4-4.1, 6.1, 6.2, 6.3, 6.13	Revisions on police, firemen's retirement system	R.1977 d.378	9 N.J.R. 544(c)
17:6-2.1(a), 3.2, 3.9, 3.10	Amend rules of Consolidated Police and Firemen's Pension Fund	R.1977 d.461	10 N.J.R. 44(b)
17:16-5.5	Amendments on classification of funds	R.1978 d.94	10 N.J.R. 43(a)
17:16-9.1	Amend permissible investments	R.1977 d.393	9 N.J.R. 544(d)
17:16-31.1 et seq.	Rules on New Jersey Cash Management Fund	R.1977 d.478	10 N.J.R. 45(c)
17:16-41.1 et seq.	Cash management fund	R.1977 d.436	9 N.J.R. 601(b)
17:27-1.1 et seq.	Affirmative action requirements for public works	R.1977 d.364	9 N.J.R. 543(c)

(Rules in the Administrative Code for Title 17 include all adoptions prior to Sep. 21, 1977—Transmittal Sheet No. 9.)

TREASURY-TAXATION — TITLE 18

18:5-6.5, 6.19	Amendments on cigarette distributors' licenses	R.1977 d.473	10 N.J.R. 44(c)
18:5-6.5(d)	Rule on fingerprinting for cigarette distributors' licenses	R.1977 d.468	10 N.J.R. 45(b)
18:7-15.11	Corporation tax; new jobs credit	R.1978 d.30	10 N.J.R. 128(b)
18:12-7.1 et seq.	Amendments to homestead tax rebate rules	R.1978 d.4	10 N.J.R. 81(b)
18:12-7.11	Amendment on extension of filing date	R.1977 d.448	10 N.J.R. 44(a)
18:12-7.12	Amendment on extension of filing date; homestead tax rebate	R.1978 d.10	10 N.J.R. 81(c)
18:24-4.1, 4.4, 4.7	Revisions on exemptions from sales and use tax	R.1977 d.365	9 N.J.R. 544(a)
18:24-7.8, 7.18, 19.4	Amendments on exemption of certain motor vehicles from sales and use tax	R.1977 d.484	10 N.J.R. 81(a)
18:26-2.5, 6.2, 8.22, 9.13	Amendments on transfer inheritance tax	R.1978 d.31	10 N.J.R. 128(a)
18:33-1.1 et seq.	Closing agreements and compromises	R.1978 d.29	10 N.J.R. 127(d)
18:35-1.8	Information returns for 1977 and subsequent years	R.1977 d.460	10 N.J.R. 45(a)

(Rules in the Administrative Code for Title 18 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

OTHER AGENCIES — TITLE 19

19:1	Amended rules of Mortgage Finance Agency	R.1977 d.442	10 N.J.R. 47(a)
19:6-3.1 et seq.	Uniform procedures for administration of Meadowlands construction code	R.1977 d.457	10 N.J.R. 49(a)
19:8-1.1, 3.1(b)	Amendments on use of Parkway by trucks	R.1977 d.419	9 N.J.R. 603(d)
19:8-1.8	Revisions on Garden State Parkway commuter parking	R.1977 d.270	9 N.J.R. 448(b)
19:9-4.1 et seq.	Rules on inspection and obtaining of Turnpike Authority records	R.1977 d.265	9 N.J.R. 448(d)
19:10-1.1 et seq.	Revised rules on PERC	R.1977 d.272	9 N.J.R. 448(a)
19:16-1.1 et seq.	Rules on negotiations, public fire and police departments	R.1977 d.349	9 N.J.R. 497(a)
19:25-12.1(b)	Revisions on reporting of expenditures	R.1977 d.379	9 N.J.R. 548(a)
19:25-15.38-15.41	Rules on election travel, political action committees and valuation	R.1977 d.350	9 N.J.R. 496(b)
19:40-1.1 et seq.	Practices and procedures; Casino Control Commission	R.1977 d.394	9 N.J.R. 546(a)
19:41-1.1 et seq.	Rules on casino applications	R.1977 d.475	10 N.J.R. 4(d)
19:43-1.1 et seq.	Basic operating rules for casino services	R.1978 d.50	10 N.J.R. 128(c)
19:44-1.1 et seq.	Rules on gaming schools	R.1977 d.474	10 N.J.R. 4(c)
19:50-1.1 et seq.	Casino hotel alcoholic beverage control	R.1978 d.13	10 N.J.R. 81(d)
19:51-1.1 et seq.	Rules on casino advertising	R.1978 d.14	10 N.J.R. 82(a)
19:52-1.1 et seq.	Rules on casino entertainment	R.1978 d.15	10 N.J.R. 82(b)
19:53-1.1 et seq.	Rules on casino equal employment opportunities	R.1978 d.16	10 N.J.R. 83(a)

(Rules in the Administrative Code for Title 19 include all adoptions prior to July 20, 1977—Transmittal Sheet No. 9.)

(Continued from Page 22)

the first time an outline of possible board action as a result of parole determinations.

Subchapter 4 Establishes an administrative appeals process, including the board's first explicit statement outlining the grounds on which appeals must be based.

Subchapter 5 Codifies the process and defines procedures for suspension of parole orders and for rescission hearings. Section 5.2(g) provides for certain rights to which the inmate shall be entitled at the rescission hearing.

Subchapter 6 Provides for parole supervision and discharge procedures. Section 6.3 includes the first major revision of the board's parole conditions since 1948. Parole conditions are made more precise and clearly defined and the number of conditions are reduced from 24 to 11. Section 6.5(c) establishes a standard against which discharge recommendations may be made by the Bureau of Parole.

Subchapter 7 Codifies parole revocation procedures established pursuant to *Morrissey v. Brewer*, 92 S. Ct. 2593 (1973), and provides for certain rights to which the parolee shall be entitled at both the initial probable cause hearing and final parole revocation hearing. Section 7.10(b) grants the parolee the right to have the board issue a subpoena to compel the appearance of a witness material to the presentation of the parolee's case.

Subchapter 8 Establishes new procedures governing the granting of certificates of good conduct in accordance with revised legislation enacted in 1974. L. 1974, c. 161 § 1 et seq.

Note: Subchapter 9 outlines rules and regulations concerning the board's review of executive clemency petitions submitted to the governor. Minor revisions of these procedures in the areas of death sentences and waivers of filing limitations have been suggested and submitted to the governor's office for review.

Repealed by this action are unnecessary and outdated provisions of the board's existing code. The revised rules and regulations will become effective immediately.

An order adopting these amendments was filed and became effective on March 15, 1978, as R.1978 d.97 (Exempt, Exempt Agency) except that N.J.A.C. 10:70-2.5 will become effective on September 15, 1978.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

INSURANCE

THE COMMISSIONER

Proposed Rules on Alcoholism Benefits In Health Insurance Contracts

James J. Sheeran, Commissioner of the Department of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 1C-6(e) and chapters 116 and 118 of the Laws of 1977, proposes to adopt a new rule to be cited as N.J.A.C. 11:4-15.1 et seq. concerning alcoholism benefits in health insurance contracts.

Full text of the proposed rules follows:

SUBCHAPTER 15. ALCOHOLISM BENEFITS

11:4-15.1 Scope

This rule applies to all individual and group health insurance policies providing hospital-medical expense benefits issued or renewed in this State. "Renewed" is defined as any date the insurer has the option to change the level of premium rates. This rule does not apply to policies which provide only limited hospital or medical expense coverage, such as: Medicare complement policies, hospital income policies, student accident, trip or accident only policies, PIP coverage, cancer or dread disease policies, or surgical expense policies, or to policies issued prior to November 23, 1977, where the premium is guaranteed at issue and the insurer cannot increase the premium.

11:4-15.2 Benefits

(a) The following benefits shall be included in each contract:

1. Where benefits are defined in terms of inpatient days, treatment of alcoholism by means of inpatient confinement in a detoxification facility or a residential treatment facility, and outpatient encounters shall be considered equivalent to inpatient hospital days and afforded the same kind of coverage under the policy as an alternative to inpatient hospital days.

2. For policies that provide blanket reimbursement for medical expenses, with or without deductibles, coinsurance, and inside limits, alcoholism shall be covered as any other sickness, subject to the same deductibles and coinsurance but with the inside limits on inpatient hospital days applying equally to detoxification facilities, residential treatment facilities, and outpatient encounters.

11:4-15.3 Exclusions

(a) An insurer may avail itself of any appropriate legal methods to avoid duplication of coverage, such as coordination of benefit provisions or statutory provisions concerning Other Insurance.

(b) Alcoholism benefits must be included for all certificate holders under all group policies issued or renewed in New Jersey. New Jersey residents insured under group policies issued in other states are not covered by this rule.

(c) Policy exclusions relating to workers' compensation, employers' liability laws, veterans' hospitals, military service, and so forth, may apply also to benefits for alcoholism treatment.

(d) Benefits need not be payable if no charge is normally made for the service.

11:4-15.4 Effective date

(a) This rule is effective immediately.

(b) All policy forms filed after the effective date of this rule must comply with the rule.

(c) All policies renewed after May 1, 1978, must comply with this rule.

A public hearing will be held on Thursday, April 27, 1978, at 10:00 A.M. in the hearing room of the Department of Insurance, 201 East State Street, Trenton, New Jersey 08625.

Interested persons may also present statements or arguments in writing relevant to the proposal on or before March 31, 1978, to William A. White, Chief Actuary, at the above address.

The Commissioner of Insurance may thereafter adopt rules concerning this subject without further notice.

James J. Sheeran
Commissioner
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Notice Concerning Exportables List

Take notice that, James J. Sheeran, Commissioner of Insurance, has issued the following Notice concerning the exportables list:

James J. Sheeran, Commissioner of Insurance, pursuant to authority delegated to him at N.J.S.A. 17:22-6.43 after notice and a hearing on November 30, 1977, finds no reasonable or adequate market among authorized insurers for the following 39 classes of insurance coverage or risk and rules them eligible for export effective April 1, 1978.

1. Amusement Devices for Adults and Kiddies.
2. Amusement Parks and Carnivals Liability.
3. Animal Mortality, Horses only.
4. Armored cars
5. Automobile—race track liability.
6. Auto Rates.
7. Aviation, Crop dusters.
8. Bowling Alleys.
9. Burglary and Robbery, check cashing, money exchange and installment sales houses only.
10. Business Interruption—valued per diem form only.
11. Cleaners' and dyers' bailee coverage in municipalities over 100,000 population.
12. Contact Lens Floater.
13. Differences in Condition (Parasol).
14. Excess loss and Excess Aggregate for Self-Insurers' Public Liability and Workmen's Compensation.
15. False arrest and other personal injury liability classes.
16. Fine Arts Dealers.
17. Fire and Allied Lines on Buildings occupied as Auction Markets, Farmers Markets and Contents of such Buildings.
18. Fireworks Display.
19. Golf Driving Range.
20. Hole-In-One.
21. House Movers and Building Demolition.
22. International Movers Insurance Plan.
23. Kidnapping Insurance.
24. Liquor Law Liability.
25. Manufacturers and Contractors Liability for Floor Waxers, Building Maintenance People, Window Washers and Exterminators.
26. Personal Articles Floaters only.
27. Picnics/Excursions.
28. Pony Rides/Riding Academies.
29. Products Liability Only.
30. Professional Liability (Malpractice) policies for Chiropractors, Clinical laboratories, Psychologists, Veterinarians, Massage and Reducing Salons.
31. Rain Insurance.
32. Retrospective Penalty Indemnity.
33. Short-term (not over 30 days) Drive-away Auto Insurance with \$15,000/\$30,000 Bodily Injury and \$15,000 Property Damage Limits on Vehicles owned and operated by Military Personnel.
34. Short-term Entertainment Events, Rock Festivals, Short-term Association meetings and conventions.
35. Skating—Rinks, Roller and Ice; Skateboard Parks.

36. Sporting Events (Casual).
37. Swim Clubs/Swim Pools.
38. Warehouseman's Legal Liability.
39. Vacant Buildings — Fire, extended coverage and vandalism.

This Notice is published as a matter of public information, is not subject to codification and will not appear in Title 11 of the Administrative Code.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

INSURANCE

REAL ESTATE COMMISSION

Proposed Amendments in Educational Requirements for Salesmen and Brokers License Examinations

Joan Haberle, secretary-director of the Real Estate Commission, Department of Insurance, pursuant to authority of N.J.S.A. 45:15-6 and 45:15-10.1, proposes to amend N.J.A.C. 11:5-1.27, concerning educational requirements for salesmen and brokers in making application for licensure examination.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

11:5-1.27 Educational requirements for salesmen and brokers in making application for licensure examination

(a) To establish an applicant's satisfactory completion of the educational requirements prescribed in N.J.S.A. 45:15-10.1, all applicants who apply on or after September 1967, for [licensure examination for] a salesman's or broker's license shall present with their application a certificate from a school approved by the Commission, evidencing satisfactory completion of a course of education in real estate subjects in accordance with the requirements of said act and within the meaning of the rules and regulations applicable thereto.

(b) The course of education in real estate subjects to qualify an applicant for licensure examination for a salesman's license shall consist of a minimum of [30] **45** hours and for a broker's license a minimum of [42] **90** hours in the areas of study at a school approved by the commission as meeting the standards of responsible ownership, administration, curriculums, instruction and physical facilities specified hereinafter.

(c) No person shall receive credit for satisfactory completion of the prescribed [42] **90**-hour course, unless that person was the holder of a salesman's license at the time of enrollment in said course.

Editorial Note: Delete text of N.J.A.C. 11:5-1.27(d) and insert new language as follows:

(d) "Hour" means a period of 50 minutes of actual classroom instruction. The time allotted by any school for examination covering real estate subjects shall not be applicable towards the minimum hours of course study above prescribed.

(e) The provisions of this rule and regulation shall not apply to the following applicants for licensure examinations:

1. Applicants for licensure examination for either a salesman's or broker's license made by certain disabled veterans pursuant to the provisions of N.J.S.A. 45:15-11.

2. Any applicant who has held a real estate broker's license issued by another state within five years of date of application, provided, however, that the commission shall determine that the experience of such applicant is substantially equivalent to such educational requirements.

3. An applicant producing evidence that applicant was previously the holder of a broker's license in this state, provided, however, that the commission shall determine that the experience of such applicant is substantially equivalent to such educational requirements.

4. Attorneys at law admitted to the practice in the State of New Jersey.

[5. Evidence that applicant has satisfactorily completed a course of education in real estate subjects prescribed within five years preceding the effective date of this rule and regulation. When course of study has been completed more than five years prior thereto, then the commission may require such person to comply with the educational requirements prescribed, as if he had never taken such a course of studies.]

(f) Effective September 1, 1967, any applicant for licensure as a broker or salesman shall be required to furnish evidence of satisfactory completion of the course of studies in an approved school, which course of studies shall embrace the following areas of study. However, nothing herein provided shall prohibit a school within the meaning of N.J.S.A. 45:15-10.1 from seeking approval and, when approved, from conducting the approved and prescribed courses prior to September 1, 1967.

Editorial Note: Delete text of N.J.A.C. 11:5-1.27(g) through (o), and insert new language as follows:

(g) The salesperson's course of 45 hours shall include:

1. Property rights (six hours).
2. Contracts and other property instruments (seven hours).
3. Leases and landlord-tenant relations (three hours).
4. Mortgages (seven hours).
5. Business opportunity sales (two hours).
6. The law of agency (nine hours).
7. License Act and regulations (nine hours).
8. Other state and municipal law and regulations (two hours).

(h) The broker's course of 90 hours shall include:

1. Review of salesperson's course and additional terminology (12 hours).
2. Review of contracts and other property instruments (three hours).
3. Advanced finance (eight hours).
4. Real estate investments (six hours).
5. Zoning (four hours).
6. Subdivisions and developments (eight hours).
7. Property taxes and tax appeals (three hours).
8. Appraisals and evaluations (nine hours).
9. Urban redevelopment (four hours).
10. Property management and landlord-tenant relations (five hours).
11. Tax implications of real estate transactions (five hours).
12. Closing settlement problems (three hours).
13. License law, civil rights law, and regulations (20 hours).

(i) A complete syllabus for the salesperson and broker courses shall be maintained at the offices of the Real

Estate Commission and be opened to the public for inspection. This complete syllabus is incorporated as a part of these regulations.

(j) All course hours are suggested hours and may be modified at the discretion of the director of the approved school subject to notice to and approval by the Real Estate Commission.

(k) The salesperson's course of 45 hours shall be equivalent to six credits. The broker's course of 90 hours shall be equivalent to six credits.

(l) Every approved school shall provide a supplementary course of instruction to their 30-hour salesperson's course and to their 42-hour broker's course, which courses will have been conducted prior to July 1, 1978. These supplementary courses of instruction shall provide any student who has completed either a 30-hour salesperson's course or a 42-hour broker's course the opportunity to comply with the 45-hour salesperson's course requirement or the 90-hour broker's course requirement. These supplementary courses of instruction shall be available only to those students who have completed a 30-hour salesperson's course or a 42-hour broker's course on or after January 1, 1978. Every approved school shall offer at a reasonable fee these supplementary courses of instruction from June 1, 1978 through July 1, 1979 only. Each approved school shall include in these supplementary courses of instruction all subject matter not incorporated in its course material for the 30-hour salesperson's course and the 42-hour broker's course; or in the alternative shall include the following course subject hours:

1. For the salesperson's supplementary course of instruction, property rights (two hours); contracts and other property instruments (three hours); leases and landlord-tenant relations (one hour); mortgages (three hours); the law of agency (two hours); and license act and regulations (four hours).

2. For the broker's supplementary course of instruction, review and additional terminology (five hours); advanced finance (four hours); real estate investments (five hours); property taxes and tax appeals (two hours); appraisals and evaluations (four hours); urban redevelopment three hours); property management and landlord-tenant relations (two hours); tax implications of real estate transactions (four hours); closing settlement problems (two hours); license law, civil rights law and regulations (eight hours); zoning (three hours); and subdivisions and developments (five hours).

A public hearing will be held April 18, 1978, at 10:00 A.M., in the Real Estate Commission hearing room in the Department of Insurance, second floor, 201 East State Street, Trenton, New Jersey.

Persons wishing to testify shall contact Mrs. Joan Haberle, secretary-director, at area code (609) 292-7656.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 26, 1978, to:

Joan Haberle, Secretary-Director
Real Estate Commission
Department of Insurance
P.O. Box 1510
Trenton, New Jersey 08625

The Real Estate Commission may thereafter adopt rules concerning this subject without further notice.

Joan Haberle, Secretary-Director
Real Estate Commission
Department of Insurance

(a)

INSURANCE

THE COMMISSIONER

Amendments Concerning FAIR Plan Surcharge

On March 1, 1978, James J. Sheeran, Commissioner of Insurance, pursuant to authority of N.J.S.A. 17:1-8.1, 17:1C-6(e), 17:37A-18 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 11:1-5.4 concerning the FAIR plan surcharge, substantially as proposed in the Notice published February 9, 1978, at 10 N.J.R. 67(a), but with subsequent, substantive changes not detrimental to the public, in the opinion of the Department of Insurance.

The substantive changes involve the extension of the grace period under N.J.A.C. 11:1-5.4(b)2. from 45 to 60 days.

An order adopting these amendments was filed and became effective on March 2, 1978, as R.1978 d.78.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF CERTIFIED PUBLIC ACCOUNTANTS

Proposed New Rules on Fees for Licensees Of Board of Certified Public Accountants

Fred Rohn, President of the Board of Certified Public Accountants, Division of Consumer Affairs, Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:2B-6(g), proposes to repeal N.J.A.C. 13:29-1.6(a) 1., 1.7(c) and (d), 1.8(a) 1., 2.1(a) (deletion of fee only), 2.3(a) and (b), and to adopt a new rule, to be cited as N.J.A.C. 13:29-1.13, concerning fees for licensees and new registrants of the Board of Certified Public Accountants.

Full text of the proposed new rule follows:

13:29-1.13 Fees

(a) Fees for original applications, examinations, re-examinations and renewals for certified public accountants, public accountants, corporations, partnerships, professional corporations and for certified public accountants' license by endorsement are:

- (a) 1. Original application, examination fee, certified public accountant: \$100.00;
- (b) 2. Re-examination fee, all subjects repeated, certified public accountant: 75.00;
- (c) 3. Re-examination fee for any one, two or three subjects, certified public accountant: 60.00;
- (d) 4. Original application, examination fee, registered municipal accountant: 100.00;
- (e) 5. Re-examination fee, registered municipal accountant: 60.00;
- (f) 6. Original application, public accountant: 60.00;

- (g) 7. Original application, endorsement as certified public accountant: 100.00;
- (h) 8. Biennial registration or any portion thereof for certified public accountant, public accountant, municipal accountant, corporations, partnerships, professional corporations: 40.00.

Interested persons may present statements or arguments in writing relevant to the proposal on or before April 27, 1978, to:

Fred Rohn, President
Board of Certified Public Accountants
1100 Raymond Boulevard, Room 507A
Newark, New Jersey 07102

The Board of Certified Public Accountants may thereafter adopt rules concerning this subject without further notice.

Fred Rohn, President
Board of Certified Public Accountants
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF DENTISTRY

Proposed Rules on Examination of Candidates For Licenses to Practice Dentistry

James F. Flood, President of the Board of Dentistry in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 45:6-1 et seq., proposes to adopt the following rule, concerning the examination of candidates for licenses to practice dentistry.

Full text of the proposed rule follows:

13:30-8.6 Jurisprudence examination required as prerequisite for dental licensure

All candidates for licensure in dentistry in the State of New Jersey shall, in addition to any and all other requirements for licensure, be required to take and pass to the satisfaction of the board an examination which tests candidate's knowledge of the rules, regulations and statutes pertaining to the practice of dentistry in New Jersey. Such examination shall be offered at least twice each year in the English language, at such time and place as the board shall determine. This rule shall become effective six months subsequent to final approval and filing with the Secretary of State.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Board of Dentistry
150 East State Street
Trenton, New Jersey 08608

The Board of Dentistry, upon its own motion or at the instance of any interested party, may thereafter adopt these revisions substantially as proposed without further notice.

James F. Flood
President, Board of Dentistry
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

Proposed Amendments on Prohibition of Kickbacks or Payment for Services Not Rendered

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:5-1 et seq. and 45:9-1 et seq., proposes to amend N.J.A.C. 13:35-6.11(a)1., concerning payment for services not rendered.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

13:35-6.11(a)1. Receive directly or indirectly from any person, firm or corporation any fee, commission, rebate, gift or other form of compensation for prescribing, ordering or promoting the sale of a device, appliance or prescribed item or service is provided by another [person, firm or corporation]; or for performance of a service which was not, in fact, performed.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Edwin H. Albano
President, Board of Medical Examiners
28 West State St.
Trenton, N.J. 08608

The Board of Medical Examiners may thereafter adopt rules concerning this subject without further notice.

Edwin H. Albano
President, Board of Medical Examiners
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

Proposed Amendment of Rule On Termination of Pregnancy

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs, Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 et seq., proposes to amend N.J.A.C. 13:35-7.2, concerning termination of pregnancy. Based upon public comment received, the following proposed amendment supersedes an earlier proposed amendment of N.J.A.C. 13:35-7.2, published at 10 N.J.R. 70(c) on February 9, 1978.

Full text of the proposed amendment follows (additions indicated in boldface thus; deletions indicated within brackets [thus]):

13:35-7.2 Termination of pregnancy

(a) The termination of pregnancy is a medical procedure which may [only] be performed only by a physician li-

censed to practice medicine and surgery in the State of New Jersey.

(b) Termination of pregnancy on patients with a gestation [beyond the 12th week] not exceeding 15 menstrual weeks and/or 13 gestational weeks' size, as determined by the physician responsible for such termination, may be performed by the dilatation and evacuation procedure in a hospital or a licensed outpatient facility [shall be performed only in a licensed hospital or an inpatient basis].

(c) Termination of pregnancy by any procedure beyond 15 menstrual weeks and/or 13 gestational weeks' size shall be performed only in a licensed hospital on an inpatient basis.

(d) Hospitals and licensed outpatient facilities shall submit to the State Department of Health quarterly reports listing the number and type of procedures performed during first and second trimester pregnancy, including morbidity and mortality for each trimester. All such reports must observe patient anonymity. Licensed outpatient facilities shall submit to the department a current listing of the name and location of affiliated hospital(s).

[(c)] (e) Failure to comply with this rule may subject the physician to suspension or revocation of license to practice medicine and surgery in this State, pursuant to N.J.S.A. 45:9-1 et seq., and/or may subject any person, association, corporation or violation to the sanctions and remedies set forth in N.J.S.A. 45:9-26 and N.J.S.A. 45:9-27.1.

Interested persons may present statements or arguments by letter or other written form relevant to the proposed amended rule on or before April 26, 1978, to:

Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

The Board of Medical Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as proposed without further notice.

Edwin H. Albano
President, Board of Medical Examiners
Department of Law and Public Safety

(c)

LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

Proposed Rules on Principal Midwife

Edwin H. Albano, President of the Board of Medical Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 45:9-1 and 9-10 et seq., proposes to enact new rules establishing the title "Principal Midwife" and setting forth responsibilities of same and physician.

Full text of the proposed new rules follows:

13:35-9.1 Definition

A principal midwife shall mean a professional nurse who, by virtue of added knowledge and skill gained through an organized program of study and clinical experience, becomes an integral part of a physician-directed health care team. The principal midwife does not function alone in an individual or independent practice but, while acting in each particular case at the option of the patient and under

the specific direction of a licensed physician, directs the management and care of a normal woman during the antepartal, intrapartal and postnatal periods. A principal midwife holding that title pursuant to this regulation shall, during the effective period of such license only, use the title "Principal Midwife" and the abbreviation "P.M."

13:35-9.2 Qualifications

(a) Qualifications are:

1. Current licensure as a professional nurse in the State of New Jersey;
2. Bachelor's degree from an accredited college;
3. Certification by the American College of Nurse-Midwives;
4. Current registration to practice midwifery in the State of New Jersey;
5. Except as set forth below, passing a licensure examination given by the Board of Medical Examiners at such time, place and fee (not to exceed \$100) as shall be determined by the Board;
6. Current licensure as a Principal Midwife in the State of New Jersey;
7. Any resident of the State of New Jersey who is a registered professional nurse with a bachelor's degree, certified by the American College of Nurse-Midwives, and registered to practice midwifery in the State of New Jersey at the effective date of this regulation shall, upon application to the board and payment of the required fee (not to exceed \$100), together with such evidence as the board may require, be issued a license as a principal midwife without examination.

13:35-9.3 Minimum standards of practice

(a) A physician must see and examine a patient to determine normalcy no later than the second visit. The principal midwife, at the specific direction of the physician, may manage the care of normal pregnant women. Any such patient shall also be examined by a physician during the last trimester of pregnancy, and at any time when an abnormality becomes apparent. A licensed physician who practices obstetrics must be available at all times to respond to requests for assistance from a principal midwife.

(b) Under the physician's direction, the principal midwife may manage the care of the normal pregnant woman. The physician shall review the standard laboratory studies which have been ordered by the physician, and the initial history and physical performed by the principal midwife at the specific direction of the physician.

13:35-9.4 Antepartal management

(a) The principal midwife may:

1. Assess the woman's social, medical and obstetrical history;
2. Perform the initial physical assessment and obstetrical evaluation;
3. Order, at the specific direction of the physician in each particular case, standard laboratory studies which may be evaluated by the principal midwife, but final interpretation shall be by the physician. Standard laboratory studies ordered by a physician may include: pregnancy test, pap smear, GC culture, blood type, Rh, anti-body titre, CBC, serology, rubella titre, PPD or urinalysis;
4. Order non-prescription medication in accordance with approved orders;
5. Consult with physician, who orders prescription medication;
6. Maintain and update records;
7. Provide counseling and teaching appropriate to needs;
8. Refer the woman to appropriate health and social agencies as indicated.

13:35-9.5 Consultation

(a) Women with any medical or obstetrical problem shall be referred immediately to a physician for evaluation and/or appropriate medical management.

(b) In all cases, a physician shall be consulted and the patient shall be examined by the physician no later than the second visit and at least once in the last trimester during the prenatal course.

(c) Consultation will consist of:

1. Review of the woman's chart/records;
2. Physical examination by physician and an evaluation of the patient;
3. Verification in writing by the physician that progress of/and plan for the woman is satisfactory and approved;
4. Recommendations as appropriate, with signature by the physician.

13:35-9.6 Intrapartum (in hospital only)

(a) Anesthesia, such as but not limited to local, regional, epidural or spinal, shall be administered only by a licensed physician.

(b) The principal midwife may assist a medically/obstetrically complicated pregnant woman who is under medical management by the licensed physician.

(c) Under the physician's direction, the principal midwife may manage the care of the normal pregnant woman as follows:

1. Review and update the woman's history and physical findings;
2. Evaluate the progress of labor and assess maternal and fetal well-being;
3. Order analgesia only after consultation with and at the specific direction of the physician;
4. Consult with physician immediately when labor, or maternal fetal well-being deviates from normal;
5. Provide ongoing emotional support to the woman and her family;
6. Manage, and in the absence of a physician, control the delivery of the newborn;
7. Perform episiotomies under the immediate supervision and presence of a physician. A principal midwife must immediately report all extended perineal, vaginal or cervical lacerations, which shall be repaired by the attending physician;
8. Evaluate and manage the normal third (placenta) and fourth (post-partum) stages of labor. However, the principal midwife must immediately report any significant hemorrhage or retention of the placenta to the physician and shall not deliver a retained placenta manually;
9. Perform initial screening of newborn;
10. Initiate emergency procedures to resuscitate the newborn as necessary;
11. Report to the physician immediately all deviations from the normal that occur;
12. Record and report the birth.

13:35-9.7 Postpartum

(a) Under the physician's direction, the principal midwife may manage the care of the normal puerperal woman. The principal midwife may evaluate and manage the care of the woman from the initial puerperal period through the 6th week postpartal examination.

(b) Regarding postpartum management, the principal midwife may:

1. Review and update the woman's history and physical findings including pertinent medical, obstetrical and social information;
2. Assess, evaluate and record the physical and psychological changes during the puerperium;

3. Transmit orders for medication at the specific direction of a physician;
4. Provide ongoing emotional support to the woman and her family;
5. Provide counseling and teaching appropriate to needs;
6. Refer the woman to appropriate health and social agencies as indicated;
7. Report to the physician all deviations from the normal that occur.

(c) Regarding postpartum period (six weeks and thereafter), under the physician's direction the principal midwife may:

1. Manage the care of the normal woman seeking family planning, preventive health maintenance and education;
2. Assess the woman's medical, obstetrical, gynecological and social history;
3. Perform a physical assessment;
4. Provide family planning information;
5. Transmit orders for contraceptive method of choice at the specific direction of a physician in each particular case which shall not include insertion or removal of IUD;
6. Transmit orders for medication at the specific direction of a physician in each particular case;
7. Provide counseling and teaching appropriate to needs;
8. Refer the woman to appropriate health and social agencies as indicated;
9. Immediately report to the physician all deviations from the normal that are suspected or found.

(c) Any violation of the foregoing rule may be considered as the basis for suspension or revocation proceedings being instituted against the licensee pursuant to N.J.S.A. 45:9-1 et seq. and N.J.S.A. 45:9-10 et seq., and/or may subject any person, association or corporation to sanctions pursuant to N.J.S.A. 45:9-22, N.J.S.A. 45:9-26, N.J.S.A. 45:10-10 and N.J.S.A. 45:10-14.

Interested persons may present statements or arguments, in writing, relevant to the proposed new rule on or before May 24, 1978, to:

Board of Medical Examiners
28 West State Street
Trenton, New Jersey 08608

Interested persons may further submit their names and addresses, promptly requesting time to speak at a public hearing, should one be scheduled.

The Board of Medical Examiners, upon its own motion or at the instance of any interested party, may thereafter adopt the above rule substantially as proposed without further notice.

Edwin H. Albano, President
Board of Medical Examiners
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

BOARD OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

Proposed Amendments Concerning Temporary Ophthalmic Technician Permit

Robert Hillman, President of the Board of Ophthalmic Dispensers and Ophthalmic Technicians in the Division of Consumer Affairs of the Department of Law and Public

Safety, pursuant to authority of N.J.S.A. 52:17B-41.13 proposes to amend the rules of the Board of Ophthalmic Dispensers and Ophthalmic Technicians to allow the holder of a temporary ophthalmic technician permit to work unsupervised.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

13:33-1.12 Temporary ophthalmic technician permit

[(a) Any person with appropriate qualifications as an ophthalmic technician and who can prove such qualifications may apply to the board for a temporary ophthalmic technician's permit to secure employment in New Jersey.

(b) The permit shall expire after the publication of the grades of the next succeeding examination, and shall not be renewed except for the following reasons:

1. The person can show reasons beyond his control, satisfactory to the board, that he was unable to work the full time designated on the permit;

2. If the person is unsuccessful in passing the examination, the permit may be renewed to enable him to take the next succeeding examination.

(c) No applicant shall be permitted to take an examination more than three times under this section.

(d) A fee of \$3.00 will be charged for each permit.]

A temporary technician permit shall be issued to any individual from out of the State of New Jersey who can prove at least two years of optical laboratory experience.

Interested persons may present statements or arguments by letter, orally in person or by telephone relevant to the proposed action on or before April 28, 1978, to:

Robert Hillman, President
Board of Ophthalmic Dispensers and
Ophthalmic Technicians
1100 Raymond Boulevard, Room 503
Newark, New Jersey 07102
Telephone: (201) 648-2840

The Board of Ophthalmic Dispensers and Ophthalmic Technicians, upon its own motion or at the instance of any interested party, may thereafter adopt the above proposal substantially as proposed without further notice.

Robert Hillman, President
Board of Ophthalmic Dispensers
and Ophthalmic Technicians
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

POLICE TRAINING COMMISSION

Proposed Substitution of New Rules On Police Training Commission Activities

Leo A. Culloo, Executive Secretary of the Police Training Commission, pursuant to authority of N.J.S.A. 52:17B-66, et seq., proposes to repeal all present rules governing the activities of the Police Training Commission and further proposes to promulgate a new set of rules governing the activities of the Police Training Commission (N.J.A.C. 13:1-1.1, et seq.).

A summary of the proposal follows:

All present rules shall be repealed as of the effective date of the proposed new rules and regulations governing the activities of the Police Training Commission. The num-

ber of rules will be reduced from 61 to 47 rules. Many rules have been rewritten for purposes of clarity and some rules have been combined with others to bring them more in line with present-day activities of the Police Training Commission. There are presently ten subchapters and, as a result of the proposed new rules, there will be, in effect, ten subchapters.

The following substantial changes will be in effect upon the promulgation of the proposed rules:

a. Individuals seeking state certification to be police instructors will now have to complete two years of college, whereas heretofore individuals only needed a high school diploma or high school equivalency certificate.

b. Individuals seeking State certification to be firearms instructors will now have to achieve no less than 90 in the commission-required firearms course. Heretofore the score had to be no less than 80.

c. The maximum age for police scholarship eligibility will be reduced from 50 to 45.

d. School directors will be given additional responsibilities primarily concerning reporting certain activities to the commission, for example, the circumstances involving an injury to a trainee.

e. Subchapter five of the original rules and regulations dealing with in-service training will be deleted.

f. The appointing authorities in all communities will now be notified of the results of the fingerprint and background investigations of any individual they seek to enroll in a commission school.

Copies of the full text of the above proposal may be obtained from or made available for review by contacting Leo A. Culloo, Executive Secretary, Police Training Commission, 1180 Raymond Boulevard, Newark, New Jersey 07102, (area code 201) 648-3978.

Interested persons may submit statements or arguments in writing concerning the proposed action on or before April 28, 1978, to Leo A. Culloo at the above address.

The Police Training Commission, upon its own motion or at the instance of any interested party, may thereafter adopt the new rules, substantially as proposed, without further notice.

Leo A. Culloo, Executive Secretary
Police Training Commission
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendments for Trifecta Wagering in Harness Racing

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to the authority of N.J.S.A. 5:5-22 et seq., proposes to adopt amendments to certain rules concerning trifecta wagering in harness racing.

Full text of the proposed amendments follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

13:70-29.53(f) Rules concerning failure to select a winning combination, short finishes include:

1. If there is a failure to select, in order, the first three

horses, payoff shall be made on trifecta tickets selecting the first two horses, in order with all others; failure to select the first two horses, payoff to trifecta tickets selecting the winner and third place horse with any and all other horses; failure to select any of the foregoing orders of finish, payoff shall be made to trifecta tickets selecting the winner to win with all other horses; failure to select the winner to win, payment shall be made to holders of tickets on the second and third place finishers with any and all others.

2. If fewer than three horses finish, payoff shall be made on tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

[3. Where a field in a trifecta race in thoroughbred racing is fewer than nine at wagering time, said race will be run as an exacta. A late scratch after wagering starts will not effect the trifecta.]

(h) Coupled entries and fields are prohibited in trifecta races.

(i) Where a field in a trifecta race in thoroughbred racing is fewer than nine at wagering time or where a field in a trifecta race in harness racing is two or more horses short of filling the available positions of the starting gate at wagering time, said race will be run as an exacta. A late scratch after wagering starts will not [effect] affect the trifecta.

Interested persons may present statements or arguments in writing regarding the proposed action on or before April 30, 1978, to:

Racing Commission
404 Abbington Drive
Twin Rivers Town Center
East Windsor, N.J. 08520

The Racing Commission, upon its own motion or at the instance of any interested party, may thereafter adopt these rules substantially as proposed without further notice.

John J. Reilly, Executive Director
Racing Commission
Department of Law and Public Safety

(b)

LAW AND PUBLIC SAFETY

RACING COMMISSION

Proposed Amendments on Administering Medication to Control Bleeding for Thoroughbred And Harness Racing

John J. Reilly, Executive Director of the Racing Commission in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 5:5-22 et seq., proposes to adopt amendments to certain rules concerning the administration of medication to control bleeding for thoroughbred and harness racing.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

13:70-14.17 Administering medication

(a) No person shall administer any medication excepting only external rubs and innocuous compounds, none of which shall contain any stimulant, depressant, local anesthetic, analgesic, tranquilizer, anti-inflammatory or chemical of any kind or description, on the day of the race, with the exception that the stewards may permit the administration of medication to control epistaxis (bleeding) to animals:

1. That at any time have been charted to have bled in the "Daily Racing Form"; or

2. That at any time have received a comprehensive cardio-pulmonary examination at an approved equine hospital or school of veterinary medicine and as a result thereof are certified as bleeders and therefore are in need of medication in order to race; or

3. That, after the effective date of this amended rule, are observed in New Jersey to bleed during the running or driving of a workout or race at a duly licensed New Jersey race track, or in the detention barn following such workout or race, by the State or [track] associate State veterinarian, or horses that have been observed to have bled, by the State and or [track] associate State veterinarian, prior to January 1, 1978 and have been placed on a vets list for at least 25 days pursuant to Racing Commission rule 13:70-6-55.

(b) Upon the effective date of this amended rule, the State steward and State veterinarian shall establish a new bleeders list pursuant to the criteria set forth in subsections (a), (b) and (c) of this section, and any bleeders list in existence on the effective date of this amended rule shall be null and void and of no effect.

(c) All horses that are placed on the new bleeders list established pursuant to and after the effective date of this amended rule shall be required to be brought to the detention barn no later than five hours prior to race time and remain in said detention barn until race time. During said five-hour period the horse shall be under the care and custody of a groom or caretaker appointed by the trainer. Any diuretic medication that is intended to control epistaxis (bleeding) shall be administered by a licensed practicing veterinarian in said detention barn under the direct supervision of the State veterinarian [within said five-hour period] five hours prior to race time. Pursuant to rule 19:41, said practicing veterinarian shall make a report to the State veterinarian and to the stewards of said treatment.

(d) Both pre-race and post-race urine and blood samples shall be taken by or under the supervision of the State veterinarian from all horses treated with diuretic medication to control epistaxis (bleeding) pursuant to the requirements set forth above. It is further provided that post-race medication of horses is not prohibited by this rule except under provisions of rule 14:18.

13:71-23.2 Administering medication

(a) No person shall administer any medication excepting only external rubs and innocuous compounds, none of which shall contain any stimulants, depressants, local anesthetic, analgesic, tranquilizer, anti-inflammatory or chemical of any kind or description on the day of the race; with the exception that the judges may permit the administration of medication to control epistaxis to animals:

1. That at any time have received a comprehensive cardio-pulmonary examination at any approved equine hospital or school of veterinary medicine and that as a result thereof are certified as bleeders and therefore are in need of medication in order to race; or

2. That, after the effective date of this amended rule, are observed in New Jersey to bleed during the running or driving of a race, or qualifying race at a duly licensed New Jersey race track, or in the detention barn following such race or qualifier by the State or [track] associate State veterinarian, or horses that have been observed to have bled, by the State and or [track] associate State veterinarian, prior to January 1, 1978 and have been placed on a vets list for at least 25 days pursuant to Racing Commission rule 13:71-11-9.

(b) Upon the effective date of this amended rule, the State steward and State veterinarian shall establish a new bleeders list pursuant to the criteria set forth in subsections (a) and (b) of this section, and any bleeders list in existence on the effective date of this amended rule shall be null and void and of no effect.

(c) All horses placed on the new bleeders list established pursuant to and after the effective date of this amended rule shall be required to be brought to the detention barn no later than five hours prior to race time and remain in said detention barn until race time. During said five-hour period the horse shall be under the care and custody of a groom or caretaker appointed by the trainer. Any diuretic medication that is intended to control epistaxis (bleeding) shall be administered by a licensed practicing veterinarian in said detention barn under the direct supervision of the State veterinarian [within said five-hour period] five hours prior to race time. Pursuant to rule 9:2, said practicing veterinarian shall make a report to the State veterinarian and to the State steward of said treatment.

(d) Both pre-race and post-race urine and blood samples shall be taken by or under the supervision of the State veterinarian from all horses treated with diuretic medication to control epistaxis (bleeding) pursuant to the requirements set forth above.

(e) It is further provided, that post-race medication of horses is not prohibited by this rule except under rule 6.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 30, 1978, to:

State Racing Commission
404 Abbington Drive
Twin Rivers Town Center
East Windsor, N.J. 08520

The Racing Commission may thereafter adopt rules concerning this subject without further notice.

John J. Reilly
Executive Director, Racing Commission
Department of Law and Public Safety

(a)

LAW AND PUBLIC SAFETY

DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Amendments to Rules Concerning Sales and Licensing

On January 13, 1978, Joseph H. Lerner, Director of the Division of Alcoholic Beverage Control in the Department of Law and Public Safety, pursuant to authority of N.J. S.A. 33:1-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 13:2-18.7, 13:2-31.3, 13:2-31.6(b) and 13:2-34.6, as proposed in the Notice published October 6, 1977, at 9 N.J.R. 482(a).

Take notice that, the proposal regarding N.J.A.C. 13:2-34.2 concerning scheduled filing duties and contents is not adopted herein.

An order adopting these amendments was filed and became effective on March 1, 1978, as R.1978 d.75.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

LAW AND PUBLIC SAFETY

DIVISION ON CIVIL RIGHTS

Deletion of Portion of Rule on Discovery By Parties Other Than the Division

On March 6, 1978, Vernon N. Potter, Director of the Division on Civil Rights in the Department of Law and Public Safety, pursuant to authority of N.J.S.A. 10:5-1 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted a procedure rule which deleted a portion of N.J.A.C. 13:4-8.2(a)1. concerning discovery by parties other than the division.

Full text of the adoption follows (deletions indicated in brackets [thus]):

13:4-8.2 Discovery by parties other than division

(a) After a finding of probable cause has been issued by the director, a party may, upon written motion, receive discovery of the following information in the division's file.

1. Statements made by any person, other than the [complainant and the] investigating field representative during the course of the investigation.

2. All factual written reports of the investigating field representative.

3. All factual written data, factual written reports or documentary information.

(b) If it appears that a party's purpose in seeking discovery is to oppress any party or to delay the commencement of the hearing, the director may refuse, terminate, or limit discovery as the circumstances warrant.

An order adopting this deletion was filed and became effective on March 6, 1978, as R.1978 d.82.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

ENERGY

BOARD OF PUBLIC UTILITIES

Amendments on Telephone Service

On August 12, 1977, George H. Barbour, President of the Board of Public Utilities in the Department of Energy, pursuant to authority of N.J.S.A. 48:2-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 14:10-1.1 et seq. concerning telephone service, substantially as proposed in the Notice published March 10, 1977, at 9 N.J.R. 130(a), with only inconsequential structural or language changes, in the opinion of the Department of Energy.

An order adopting these amendments was filed and became effective on March 10, 1978, as R.1978 d.89.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TRANSPORTATION

THE COMMISSIONER

Proposed Rule on Speed Limits On Portions of Route U.S. 206

Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-98, proposes to adopt a new rule concerning speed limits on portions of Route U.S. 206 in the Town of Newton and the Township of Hampton.

Full text of the proposal follows:

16:28-1.172 Route U.S. 206 in Newton and the Township of Hampton

(a) In accordance with the provisions of N.J.S.A. 39:4-98, as it applies to the Town of Newton and the Township of Hampton, the speed limits in (1)(h) and (i) under regulation LS-57-38 are hereby revised to effect the following limits:

Milepost

1. 35 mph between 275 feet north of Clinton Street and the Town of Newton - Township of Hampton line (approximately 2,700 feet north of Clinton Street): 109.32 to 109.70;
2. 40 mph between the Town of Newton - Township of Hampton line (approximately 2,700 feet north of Clinton Street) and 2,150 feet south of Route 94: 109.70 to 111.0;
3. 50 mph between 2,150 feet south of Route 94 and the intersection of Route U.S. 206, Route 15 and County Route 565: 111.0 to 113.98.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

The Department of Transportation may thereafter adopt rules concerning this subject without further notice.

Russell H. Mullen
Acting Commissioner
Department of Transportation

(d)

TRANSPORTATION

THE COMMISSIONER

Proposed Amendments on Requisition, Distribution and Sale of Construction Plans And Supplementary Specifications

Russell H. Mullen, Acting Commissioner of Transportation, pursuant to authority of N.J.S.A. 27:1A-5(h)(1) and 27:1A-6, proposes to adopt amendments to the rules concerning the requisition, distribution and sale of construction plans and supplementary specifications.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

16:65-3.2(b) A charge shall be made for each set of plans distributed pursuant to requests from outside of the NJDOT in accordance with the following schedule, except as otherwise authorized herein:

Black Line

1. Sets of plans of 50 sheets or less	[\$10.00]	\$12.00;
2. Sets of plans of 51 to 100	[21.00]	23.00;
3. Sets of plans of 101 to 150	[32.00]	34.00;
4. Sets of plans of 151 to 200	[43.00]	45.00;
5. Sets of plans of 201 to 250	[54.00]	56.00;
6. Sets of plans of 251 to 300	[65.00]	67.00;

7. For each additional multiple of 50 sheets, or part thereof, an additional charge of [11.00] 13.00;

8. [Advertised work not requiring construction plans, for the key sheets, supplementary specifications, and so forth]

For the key sheets, supplementary specifications and any other pertinent documents in instances where the advertised work does not require construction plans [5.00] 7.00;

9. Supplementary specifications unaccompanied by construction plans [1.00] 3.00.

10. For individual sheets of a set of plans, a charge of \$0.60 per sheet will be imposed but the total charge for requests for individual sheets will not exceed the scheduled price for a complete set of black line prints as set forth above.

11. If copies of the supplementary specifications are not available subsequent to the award of the contract, photocopies shall be made at \$0.10 per page.

(c) Requests from outside of the NJDOT for distribution of a set or sets of plans, or for any portion thereof, or for any individual sheet or sheets therefrom, shall be honored during the advertised period; however, distribution pursuant to such requests will only be made after one of the following:

1. The department cashier has furnished a receipt indicating that the proper remittance has been submitted; or

2. The purchaser has indicated that delivery of the plans and supplementary specifications will be accepted on a C.O.D. basis;

3. Individual sheets, therefrom, can only be made available after the project has been bid.

(d) A minimum fee of \$3.00 shall apply for all material which must be billed; however, this minimum fee may be applied toward the copying charges. For example, one through five sheets cost \$3.00, six sheets cost \$3.60, seven sheets cost \$4.20, and so forth.

16:65-3.3 Requisitioning of plans

Requests for plans should be sent to the [Division of Fiscal Management,] Bureau of Contract Administration, Department of Transportation, 1035 Parkway Avenue, Trenton, New Jersey 08625.

16:65-3.4 Nondepartmental distribution and sale

Delete current text; replace with the following:

(a) The Bureau of Contract Administration shall issue plans and supplementary specifications in the quantities indicated without cost to the following:

1. One copy of the plans and six copies of the supplementary specifications to the successful bidder upon award of the contract.

2. One copy of the plans and supplementary specifications to each utility specifically listed in the plans or supplementary specifications as having an interest in the work to be performed.

3. Two copies of the plans and supplementary specifications to each railroad company listed in the plans or supplementary specifications as having an interest in the work to be performed.

4. One copy of the plans and supplementary specifications to the county engineer when any part of such work is located within the county.

5. One copy of the plans and supplementary specifications to the township, borough, or municipal engineer of each township, borough, or municipality wherein any part of the work on a given project is located, and one copy to the engineering official of any other governmental body involved in the project site.

6. The bureau, division, or unit in which the plans originate shall furnish the Bureau of Contract Administration with a list of names and addresses of those who are to receive complimentary plans and supplementary specifications as indicated in paragraphs 2, 3, 4, and 5 above.

16:65-3.5 Departmental distribution

(a) The Bureau of Contract Administration shall provide construction plans and specifications on each advertised project to the various design offices in the State to enable the contracting organizations to make a review of these plans and specifications. The four Design Field Offices are located in:

1. Parsippany-Troy Hills;
2. Newark;
3. Haddonfield;
4. Edison.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Frank Bara
Administrative Practice Officer
Department of Transportation
1035 Parkway Ave.
Trenton, N.J. 08625

The Department of Transportation may thereafter adopt rules concerning this subject without further notice.

Russell H. Mullen
Acting Commissioner
Department of Transportation

(a)

**TRANSPORTATION
THE COMMISSIONER**

**Rules on No-Passing Zones
On Routes 109 and U.S. 206**

On March 3, 1978, Russell H. Mullen, Commissioner of Transportation, pursuant to authority of N.J.S.A. 39:4-201.1 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 16:28-15.1 et seq., concerning no-passing zones on parts of Routes 109 and U.S. 206, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 79(a).

An order adopting these rules was filed and became effective on March 6, 1978, as R.1978 d.80.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF TAXATION

Proposed Rules on Sales Tax And Data Processing

Sidney Glaser, Director of the Division of Taxation in the Department of the Treasury, pursuant to authority of N.J.S.A. 54:32B-1 et seq., proposes to adopt new rules concerning data processing and sales tax.

Full text of the proposal follows:

SUBCHAPTER 25. DATA PROCESSING

18:24-25.1 General provisions

(a) In general, the Sales Tax Act provides for the imposition of the sales tax on all sales of tangible personal property (N.J.S.A. 54:32B-3(a)) unless specifically exempted, and for the imposition of the sales tax on certain enumerated services (N.J.S.A. 54:32B-3(b)).

(b) This section is intended to clarify the application of the Sales and Use Tax Act to sales made by and to persons in the business of using automatic and electronic data processing hardware and software to manipulate data.

(c) Definitions:

"Data processing equipment" includes, but is not limited to, computers, electro-mechanical machines, input-output devices, storage devices and peripheral equipment.

"Document" means medium and the data recorded on it for human use, for example, a report sheet.

"Electronic data processing" means the general term used to define a system for data processing by means of machines utilizing electronic circuitry at electronic speed, as opposed to electro-mechanical equipment.

"Hardware" means the term applied to the electro-mechanical and electronic equipment used to process data.

"Input" means information transferred into the internal storage of a data processing system, including data to be processed or information to help control the process.

"Media" means the material, or configuration thereof, on which data are recorded, such as punched cards, discs, magnetic tape and microfilm.

"Output data" means data delivered from a device or program, usually after processing, and usually in the form of tangible personal property.

"Program" means the complete plan for the solution of a problem; more specifically, the complete sequence of machine instructions and routines necessary to solve a problem, including the media on which instructions and routines are recorded.

"Fabrication of media" means the incorporation of bits of intelligence into media by means which include, but are not limited to, processing, printing or imprinting; and as a result of which incorporation a medium is given value which it did not previously possess.

"Service bureau" means any organization which processes data for others, or leases or rents electronic data processing equipment, or charges for the use of such equipment by others. Among other activities, service bureaus are engaged in the production of output data.

"Software" means the term applied to the property used to guide or control hardware and to cause the hardware to function. Software includes, but is not limited to,

a set of programs, procedures and associated documentation concerned with the operation of a data processing system.

"Source document" means the original records on which are recorded the details of a transaction.

"Time sharing" means a method of using a computing system that allows a number of users to execute programs concurrently and to interact with the programs during execution.

18:24-25.2 Electronic data processing transactions

(a) Rules concerning the taxable transactions include the following:

1. The processing of data by a service bureau constitutes a nontaxable service, whether or not the customer supplies the medium.

2. The sale or lease of data processing equipment is taxable, except where the equipment is leased or purchased with the intention of reselling or subleasing it. Equipment which is leased with the intention to sublease it is taxable to the sublessee on the charges made to such sublessee. Incidental use of the equipment made by the lessee is subject to the use tax, based upon the same rate charges as those charged to a sublessee.

3. Timesharing: The charges made to a customer for the use of a computer, which the customer has access to through a remote terminal device, are not deemed to be a taxable transfer of possession of the computer. The rental charge for the terminal device has been and continues to be taxable. It is not essential for a transfer of possession to include the right to move the tangible personal property which is the subject of a rental, lease or license to use.

i. A corporation contracts with a computer center to use the computer on the center's premises for 10 hours weekly. The corporation provides its own operator and its own materials. During the 10 hour period, no one else may use the machine. This transaction, commonly known as the sale of raw time, constitutes a transfer of possession, pursuant to a rental, lease or license to use, which is a sale subject to tax.

ii. A corporation contracts with a computer center to use the computer on the center's premises for 10 hours weekly. The corporation provides its own materials and the computer center provides and directs the operator. During the 10 hour period, no one else may use the machine. In this case, there is no transfer of possession to the corporation as it has no control over the operation of the computer.

iii. A corporation contracts with a computer center for access time on the computer center's equipment through the use of a terminal located in the corporation's office. The terminal is connected to the computer by telephone. The corporation's access to the computer through the terminal is not deemed to be a transfer of possession of the computer subject to tax.

4. Data conversion services by keyentry and/or key-stroke verification where the keyed output media is forwarded to the customer is taxable fabrication.

5. Software which meets the criteria below is deemed to be intangible personal property and not subject to sales tax; software applies to instructions and routines (programs) which, after an analysis of the customer's specific data processing requirements, are determined necessary to program the customer's electronic data processing equipment to enable the customer to accomplish specific functions with his electronic data processing system. To be considered exempt "software" for purposes of this rule, one of the following elements must be present:

Preparation or selection of the customer's use requires an analysis of the program for the customer's requirements by the vendor; or

The program requires adaptation, by the vendor, to be used in a specific environment that is, a particular make and model of computer utilizing a specified output device. For example, a software vendor offers for sale a pre-written sort program which can be used in several computer models. Prior to operation, instructions must be added by the vendor which specify the particular computer model in which the program will be utilized.

i. The software may be in the form of:

(1) Systems programs (except for those instruction codes which are considered tangible personal property)—programs that control the hardware itself, and allow it to compile, assemble and process application programs. For purposes of this rule, instruction codes mean the internalized instruction code which controls the basic operations (that is, arithmetic and logical) of the computer causing it to execute instructions contained in application and system programs, and is an integral part of the computer. It is not normally accessible nor modifiable by the user. Such internal code system is considered part of the hardware and is taxable. The fact that the vendor does or does not charge separately for it is immaterial.

(2) Application programs—programs that are created to perform business functions or control or monitor processes.

(3) Pre-written programs (canned)—programs that are either systems programs or application programs and are not written specifically for one user.

(4) Custom programs—programs created specifically for one user.

ii. Software, whether placed on cards, tape, disc pack or other machine readable media, or entered into a computer directly, is deemed to be intangible personal property for sales tax purposes, and as such its sale is exempt from New Jersey State sales and use tax. Software or programs which do not meet the criteria are subject to tax. The person selling exempt software is required to pay the applicable sales or use tax on any tangible personal property transferred to the customer in connection with the exempt service. In addition, the hardware and supplies used to develop the exempt software are not eligible for any sales tax exemptions.

(1) An exempt application program sold in machine readable form as keypunched cards, magnetic tape (with or without charts and instructions on its use) or discs is deemed to be intangible personal property, except as may be provided for in paragraph 4 above. As intangible personal property, its sale, including lease or license to use, is not subject to New Jersey State tax.

(2) A computer manufacturer sells or leases a computer containing exempt system programs. The sales invoice rendered to the purchaser separately states a reasonable charge for the system programs. The separately stated charge for such computer software is exempt from tax.

(3) A company leases a computer with exempt application programs. The monthly billing shows one charge. The entire monthly charge is subject to tax.

(4) A manufacturer sells or leases equipment which, in addition to recording transactions and issuing receipts, is capable of transmitting inventory and sales information by use of an application program to a central computer. Sales of such equipment is a sale of tangible personal property except to the extent of the exempt applications program option which may be purchased as a

separate item and is separately billed to the customer as a software addition to the tangible property. If the customer does not have this option, the application program will be viewed as part of the hardware and taxed accordingly.

(5) A software supplier manufactures prepackaged programs for use with home television games or other personal computer equipment. The programs are marketed through retail stores, and the programs are fully usable by customers without modifications. In selecting or preparing the program, the supplier does not perform a detailed analysis of the customer's requirements. The program is viewed as tangible personal property for sales tax purposes.

6. Examples of taxable transactions:

i. The sale of addressed labels purchased by a customer for use in soliciting business, mailing advertisements or any other similar purpose;

ii. Sales of computer-prepared mailing lists;

iii. The charges for additional copies of records, reports, tabulations, and the like which are prepared by rerunning the original program;

iv. Electronic data processing equipment manufacturers, service bureaus and data processing educational centers are deemed to be the consumers of tangible personal property which is used in training others. They are required to pay the tax on their purchases of such property; training aids which they purchase for resale, however, are taxable to the ultimate users.

(b) Rules concerning non-taxable transactions are as follows:

1. The following are deemed to be professional services and are, therefore, not subject to sales and/or use tax:

i. Feasibility studies;

ii. Consulting services;

iii. Technical instruction;

iv. Professional services, such as accounting services, where the service bureau initially receives the raw material and studies, alters, analyzes, interprets and adjusts such raw material which by the use of a data processing machine are sorted, classified and rearranged.

2. Where the output resulting from data processing services is received by an out-of-State client through the medium of a telephone or telegraph transmission device at an out-of-State location, the charges for such data processing services are not taxable to the out-of-State client.

3. The sales and/or use tax is not applicable to the fabrication of a program by a non-service bureau company's employees for the exclusive use of their employer in connection with the employer's business.

4. When the tangible personal property is incidental to the professional or personal services and for which no separate charges are made.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Jack Silverstein
Chief Tax Counselor
Division of Taxation
West State and Willow Streets
Trenton, N.J. 08646

The Department of the Treasury may thereafter adopt rules concerning this subject without further notice.

Sidney Glaser
Director, Division of Taxation
Department of the Treasury

(a)

TREASURY

STATE INVESTMENT COUNCIL

Amendments on Classification of Funds

On February 23, 1978, Clifford A. Goldman, State Treasurer, pursuant to authority of N.J.S.A. 52:18A-89, on behalf of the State Investment Council and in accordance with applicable provisions of the Administrative Procedure Act, adopted procedure rules which amended N.J.A.C. 17:16-5.5, concerning temporary reserve groups and the classification of funds.

Full text of the adoption follows:

- 17:16-5.5 Temporary reserve group
- (a) The temporary reserve group shall include:
1. Clean Waters Fund;
 2. CMF/Administrative Expense Fund #097;
 3. CMF/Non-State Fund #098;
 4. CMF/Reserve Fund #099;
 5. [2.] College of Medicine and Dentistry of New Jersey - Self Insurance Reserve Fund 110;
 6. [3.] General Investment Fund;
 7. [4.] General Revenue Sharing Fund;
 8. [5.] General Trust Funds;
 9. [6.] Higher Education Buildings Construction Fund (Act of 1971);
 10. [7.] Housing Assistance Fund;
 11. [8.] Institutions Construction Fund;
 12. Medical Education Facilities Fund;
 13. [9.] Mortgage Assistance Fund;
 14. [10.] New Jersey Educational Facilities Authority;
 15. [11.] New Jersey Housing Finance Agency;
 16. [12.] Pension Increase Fund;
 17. [13.] Public Buildings Construction Fund;
 18. [14.] School Building Aid - Capital Reserve Fund;
 19. [15.] State Facilities for Handicapped Fund;
 20. [16.] State Health Benefits Fund;
 21. [17.] State Lottery Fund - Investment;
 22. [18.] State of New Jersey-Alternate Benefit Program;
 23. State of New Jersey - Cash Management Fund;
 24. [19.] State 1964 Institution Construction Fund;
 25. [20.] State Recreation and Conservation Land Acquisition Fund;
 26. [21.] State Recreation and Conservation Land Acquisition Fund (Act of 1971);
 27. [22.] State Recreation and Conservation Land Acquisition and Development Fund;
 28. [23.] State Transportation Fund;
 29. [24.] State Water Development Fund;
 30. [25.] Transportation Benefit Fund;
 31. [26.] Transportation Fund;
 32. Unemployment Benefits Liability Fund #844;
 33. [27.] Veterans' Loan Guaranty and Insurance Fund (Veterans' Guaranteed Loan Fund);
 34. [28.] Water Conservation Fund.

An order adopting these amendments was filed and became effective on March 14, 1978, as R.1978 d.94.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

Amendments on Biweekly Salary Computation Of Retirement and Death Benefits

On March 9, 1978, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of chapter 70, Public Laws of 1955 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:1-4.19 concerning the biweekly salary computation of retirement and death benefits, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 37(b).

An order adopting these amendments was filed and became effective on March 14, 1978, as R.1978 d.96.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(c)

TREASURY

DIVISION OF PENSIONS

Amendments and New Rule on Prescription Drug Program

On March 9, 1978, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 52:18A-95 et seq. and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:1-10.1 and a new rule, to be cited as N.J.A.C. 17:1-10.3, concerning the State Prescription Drug Program, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 40(a).

An order adopting these amendments and new rule was filed and became effective on March 15, 1978, as R.1978 d.98.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(d)

TREASURY

DIVISION OF PENSIONS

Rules on State Dental Expense Program

On March 9, 1978, William J. Joseph, Director of the Division of Pensions in the Department of the Treasury, pursuant to authority of chapter 70, Public Laws of 1955 and in accordance with applicable provisions of the Administrative Procedure Act, adopted new rules, to be cited as N.J.A.C. 17:1-11.1 et seq., concerning the State Dental Expense Program, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 38(b).

An order adopting these rules was filed and became effective on March 15, 1978, as R.1978 d.99.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(a)

TREASURY

DIVISION OF PENSIONS

TEACHERS' PENSION AND ANNUITY FUND

Amendments on Biweekly Salary Computation Of Retirement and Death Benefits

On March 13, 1978, A. Steven LaBrutte, secretary of the Teachers' Pension and Annuity Fund in the Division of Pensions in the Department of the Treasury, pursuant to the authority of N.J.S.A. 18A:66-56 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:3-3.3, 17:3-6.26 and 17:3-6.27, concerning the biweekly salary computation of retirement and death benefits, as proposed in the Notice published January 5, 1978, at 10 N.J.R. 37(c).

An order adopting these amendments was filed and became effective on March 21, 1978, as R.1978 d.104.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(b)

TREASURY

DIVISION OF PENSIONS

POLICE AND FIREMEN'S RETIREMENT SYSTEM

Amendments to Police and Firemen's Retirement System

On March 9, 1978, Elmer G. Baggaley, secretary of the Police and Firemen's Retirement System in the Division of Pensions in the Department of the Treasury, pursuant to authority of N.J.S.A. 43:16A-13 and in accordance with applicable provisions of the Administrative Procedure Act, adopted amendments to N.J.A.C. 17:4-3.1(i) and 17:4-6.16(b), concerning the Police and Firemen's Retirement System, as proposed in the Notice published February 9, 1978, at 10 N.J.R. 80(c).

An order adopting these amendments was filed and became effective on March 21, 1978, as R.1978 d.105.

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

(Other Agencies)

(c)

CASINO CONTROL COMMISSION

Proposed Rules on Slot Machines

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning slot machines. Such rules, if adopted, will be cited as N.J.A.C. 19:46-1.22 through 19:46-1.30.

The proposed rules concern possession of slot machines;

transportation of slot machines within, into and out-of-State; State seals; coin containers and keys; identification, signs, meters and other devices; aisle space between rows of machines, grating between machines, electrical outlets, denomination of machines; testing and approval of slot machines; operation of slot machine in conformance with approved model; and disciplinary procedures.

Copies of the 13 pages of full text of the proposed rules may be obtained from or made available for review by contacting the person indicated below.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Joseph P. Lordi
Chairman, Casino Control Commission
379 West State Street
Trenton, N.J. 08625

The Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(d)

CASINO CONTROL COMMISSION

Proposed Rule on Declaratory Rulings

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt a new rule concerning declaratory rulings.

Full text of the proposal follows:

19:41-2.3 Declaratory rulings as to proposed casino hotel facilities

(a) Upon the petition of any person who owns, has a contract to purchase or construct, leases or has an agreement to lease any building or site located within the limits of Atlantic City and who intends to and is able to complete a proposed casino hotel facility therein or thereon, the commission may in its discretion make a declaratory ruling as to whether or not the conformance of the proposed casino hotel facility to the facilities requirements of sections 6, 27, 83, 84(e), 98, 100 and 136 of the act and the regulations of the commission has been established by clear and convincing evidence.

(b) It shall be the affirmative responsibility of each such petitioner to produce such information, documentation and assurances pertaining to the proposed casino hotel facility and in such form as would be required of an applicant for a casino license which shall include, but not be limited to, the filing of a completed "casino hotel facility statement".

(c) The commission shall afford the interested parties a full opportunity for hearing upon any petition for a declaratory ruling as to a proposed casino hotel facility.

(d) A declaratory ruling as to a proposed casino hotel facility shall bind the commission and the parties to the proceedings on the statement of facts set forth therein and shall be deemed a final action subject to review in the Appellate Division of the Superior Court; provided, however, that no casino license shall be issued concerning any such casino hotel facility unless every requirement

of the act and regulations of the commission as of the time of the issuance of such license shall have first been established.

(e) No petition for a declaratory ruling shall be accepted by the commission unless the petitioner shall first have paid in full a fee in such amount as the commission may, in its discretion, deem reasonable, proper and appropriate in relation to the operating expenses of the commission and the division in considering the petition.

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Joseph P. Lordi
Chairman, Casino Control Commission
379 West State Street
Trenton, N.J. 08625

The Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(a)

CASINO CONTROL COMMISSION

Proposed Rules Concerning Rules of Games

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning the rules of the games. Such rules, if adopted, will be cited as N.J.A.C. 19:47-1.1 et seq.

The proposed rules concern craps; blackjack; baccarat-punto banco; baccarat - chemin de fer; and roulette and big six wheel.

Copies of the 61 pages of full text of the proposed rules may be obtained from or made available for review by contacting the person indicated below.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Joseph P. Lordi
Chairman, Casino Control Commission
379 West State Street
Trenton, N.J. 08625

The Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(b)

CASINO CONTROL COMMISSION

Proposed Rules on Hearings

Joseph P. Lordi, Chairman of the Casino Control Commission, pursuant to authority of N.J.S.A. 5:12-1 et seq., proposes to adopt new rules concerning hearings. Such rules, if adopted, will be cited as N.J.A.C. 19:42-1.1 et seq.

The proposed rules concern provisions of general applicability; provisions applicable to all contested cases; provisions applicable only to applications hearings; pro-

visions applicable only to exclusion of persons hearings; provisions applicable only to hearings on complaints against the division; proceedings against applicants, licensees and registrants; and other hearings.

Copies of the 60 pages of full text of the proposed rules may be obtained from or made available for review by contacting the person indicated below.

Interested persons may also present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

Joseph P. Lordi
Chairman, Casino Control Commission
379 West State Street
Trenton, N.J. 08625

The Casino Control Commission may thereafter adopt rules concerning this subject without further notice.

Joseph P. Lordi
Chairman
Casino Control Commission

(c)

HACKENSACK MEADOWLANDS DEVELOPMENT COMMISSION

Proposed General Plan EIA Guidelines for Specially Planned Areas in Hackensack Meadowlands District

The Hackensack Meadowlands Development Commission, pursuant to the authority of N.J.S.A. 13:17-1 et seq., proposes to adopt guidelines for the preparation of an environment/socio-economic impact assessment for a general plan. The guidelines include the following nine sections:

- I. Existing Environmental Site Conditions.
- II. Description and Justification for Project.
- III. Environmental Impact Assessment of Project.
- IV. Carrying Capacity.
- V. Adverse Environmental Impacts which Cannot be Avoided.
- VI. Techniques to Minimize Adverse Environmental Effects of Project.
- VII. Alternatives to Project.
- VIII. Licenses, Permits and Other Approvals.
- IX. Documentation.

The guidelines will supersede HMDC "Guidelines For the Preparation of EIA to Accompany the General Plan for All Island Residential Specially Planned Areas".

Interested persons may present statements or arguments in writing relevant to the proposed action on or before April 26, 1978, to:

William D. McDowell, Executive Director
100 Meadowland Parkway
Secaucus, New Jersey 07094

Copies of the 31 pages of text may be examined at the commission's office at the above address or obtained therefrom.

The HMDC, upon its own motion or at the instance of any interested party, may thereafter adopt these guidelines substantially as proposed without further notice.

Hackensack Meadowlands Development Commission
William D. McDowell
Executive Director

(a)

PORT AUTHORITY OF NEW YORK AND NEW JERSEY

Amendments to Daily Parking Rates In World Trade Center Parking Garage

On January 25, 1978, the committee on operations of the Port Authority of New York and New Jersey adopted amendments to the daily parking rates in the World Trade Center parking garage.

Full text of the amendments follows:

Resolved, that the schedule of charges for daily parking at the World Trade Center, adopted by the committee, at its meeting on May 3, 1973, be and the same is hereby revised, effective March 1, 1978, as follows:

Up to 1 hour	\$2.00
Up to 2 hours	3.00
Up to 3 hours	4.00
Up to 4 hours	5.00
Maximum to Close	6.00

All rates include six per cent New York City parking tax.

The foregoing rates shall not apply to special operations, functions, events or uses or users or to time periods other than normal business days. The executive director is authorized to waive or modify these charges as appropriate for such circumstances; and be it further

Resolved, that the executive director shall report periodically to this committee any waivers or modifications which he authorizes.

An order adopting these amendments was filed on March 3, 1978, as R.1978 d.79 (Exempt, Exempt Agency).

G. Duncan Fletcher
Director of Administrative Procedure
Department of State

STATE NEWS OF PUBLIC INTEREST

Based on press releases from offices involved

BETTING AT MEADOWLANDS RACES

TOPPED 1/2 BILLION LAST YEAR

The Meadowlands Racetrack—the leading harness track in the nation—set wagering and attendance records during its first year of operations, the New Jersey Sports and Exposition Authority reports.

More than \$500 million was bet at the East Rutherford track last year, a level that no other track has ever reached during its initial season.

"It gives us an excellent base for future growth," said John H. Krumpe, executive director of the Authority.

During the standardbred meeting, the Meadowlands attracted 3,186,678 fans, who wagered \$338,594,827 during 181 nights of racing. The averages of 17,605 spectators and

\$1,870,689 in handle far surpassed those of any tracks reporting to the United States Trotting Association.

"I think two of the most significant developments of 1977 were our totals in wagering and firmly establishing the viability of night thoroughbred racing."

Alfred C. Linkletter, acting chairman of the authority, said that two major projects—the restaurant expansion of the racetrack grandstand and the multi-purpose indoor arena—were proceeding on schedule.

"We anticipate completion of the restaurant development on the upper tier of the grandstand in the fall," Linkletter said. He added that the project will enable the authority to more than double the dining capacity of the track, from the current 1,000 to about 2,500. The project includes additional parimutuel facilities.

BUSINESS TASK FORCE SET UP TO KEEP FIRMS IN THE STATE

Governor Brendan Byrne last month announced formation of a task force that will try to pinpoint and reduce the problems of business in New Jersey and hopefully thereby reduce the likelihood of companies leaving the Garden State.

Known as the Early Warning Task Force, the new group is believed to be the only one of its kind in the nation, according to its chairman, Leonard Johnson, former president of the New Jersey Business and Industry Association.

Following an hour-long meeting with Byrne and other members of the task force, Johnson stressed he means business in his new role.

He said, "If we identify a problem and if it's within the province of the State to do something about it, and if nothing is done, I see no point in my remaining as chairman".

One of the targets of the new business-oriented task force might be the strict environmental protection laws in New Jersey, about which businesses have been complaining for years.

Both Johnson and State Labor and Industry Commissioner John Horn said the task force would be "the conduit for business and industry to the Department of Environmental Protection if those are the problems raised".

But they said the task force will also try to help business in the State obtain financing for expansion, access to specialized employee-training programs and other forms of help that will keep it in New Jersey.

"We know in the past New Jersey has lost some business and industry", Johnson said. "We want to see if we can determine some way to keep them".

"We have to try to find what is bothering the businessman in the State so the State can deal with it. We want to relieve the businessman's burden. We want him to remain here".

Byrne, in a prepared statement, said of the task force, "when it finds a business in difficulty, it will offer all the resources of the Department of Labor and Industry and of the Economic Development Authority to help that business resolve its problems".

Byrne said the task force will monitor unemployment claims, tax records and records of employers' payments to the unemployment compensation fund.

"It's not enough for us to expend all our energies in attracting new business to our State if we do not go out of our way to aid those already located here when they are in difficulty", he added.

\$5,000 SUGGESTION AWARD MADE FOR TAX-SAVING IDEA

Janice Curtin of the Treasury Department won \$5,000 last month for suggesting a way to help New Jersey recoup \$53,274 in taxes it was losing from Pennsylvania residents working in this State.

Mrs. Curtin, who supervises the employer unit of the Division of Taxation's special section on employer taxes, was given her award by Governor Brendan Byrne in a special ceremony at the State House.

"I noticed New Jersey employers were not withholding taxes from Pennsylvania residents correctly", she said. She explained some employers were either sending the withheld taxes to Pennsylvania or weren't withholding the taxes Pennsylvania residents were required to pay to New Jersey until this year when the states entered into a reciprocal tax agreement.

Mrs. Curtin, who lives in Morrisville, Pa., suggested sending letters to the employers and to Pennsylvania about the taxes due New Jersey. She also suggested a follow-up system, which, according to Treasury Department officials, helped New Jersey obtain \$53,274.

Mrs. Curtin has been with the Division of Taxation since August, 1972. She and her husband have a three-year-old boy.

LOW-COST HOME IMPROVEMENT LOANS PROGRAM IS APPROVED

Governor Brendan Byrne recently announced establishment of an \$11 million low interest Home Improvement Loan Program (HILP) sponsored by the State's Mortgage Finance Agency, which will make 7 $\frac{3}{4}$ per cent loans available to moderate-income homeowners.

The program is designed to help those unable to afford a conventional 12 per cent home improvement loan but

who have sound credit and the ability to repay the lower 7 $\frac{3}{4}$ per cent.

"A major element in our efforts to revive distressed communities in New Jersey is developing a sense of pride among neighborhood residents. This program, which will provide money to repair and refurbish homes, represents an important step in this direction", the Governor said. He added that it will have an urban emphasis.

The loans can be used for a wide range of repairs and renovations, including plumbing, electrical wiring, heating systems, insulation, new kitchens and bathrooms and construction of additional rooms.

Under HILP, the owner of a single-family home will be able to borrow a maximum of \$15,000 for up to 15 years. Owners of two- three- and four-family homes will be able to borrow up to \$10,000, \$15,000 and \$20,000, respectively.

Income limits have been established by the MFA and vary according to family size and geographic location. In northern New Jersey the income limit for a family of four is \$16,900; in southern New Jersey, \$15,000.

According to Christopher G. Kelly, executive director of MFA, the loans will be available at any of 500 branches of the 49 participating lending institutions. These commercial and savings banks and savings and loan associations have made commitments to the MFA to close the loans in their own names and then sell them to the agency, he explained.

Additional information on HILP is available from the Mortgage Finance Agency, 1180 Raymond Boulevard, Newark, N.J.

RETIRING HEALTH AID HONORED

Dr. Oscar Sussman, the State's outspoken consumer health services chief, was honored by the State Senate on March 17 prior to his retirement April 1.

Dr. Sussman spent four decades in public health work, the last 29 in State services.

LOTTERY TOPS \$1 BILLION IN SALES—

NEARLY HALF RETURNED TO STATE

The New Jersey State Lottery last month became the first state-sponsored game of chance in the nation to top the \$1 billion sales level—in its seventh year of operation.

The announcement was made March 13 jointly by Gov. Brendan Byrne and Lottery Director Gloria Decker. The Governor said that from its total receipts to date the lottery had donated \$450 million to State aid for education and institutions and agencies, after \$473.2 million was paid out in prizes.

He said "this shows that the State can run a legalized lottery and be successful . . . and the nicest part is I can tell you where the money is going".

Mrs. Decker noted that the prize money and contributions to the State budget "account for better than 92 per cent of every dollar received" and declared that this illustrates the tight operating budget under which the lottery operates.

She added that she hopes the lottery will reach the \$2 billion sales level sooner than in seven more years. This is based on current ticket purchases of almost \$4 million a week, and on past experience with special drawings, which are of more appeal than the basic 50-cent ticket, the director noted.

. . . And Names Its 63d Millionaire

On St. Patrick's Day last month—exactly seven years from the day the first lottery winner was named—Mrs. Rosa Guerrero of West New York was named as the 63d millionaire since the lottery was started.

A native of Ecuador who emigrated to the United States ten years ago, the winner speaks no English. She broke into tears at the announcement of her top luck in the War Memorial Auditorium ceremonies.

A Spanish translator was found, and said that "she feels very, very happy; she's crying of happiness". She, like previous top winners, will receive \$50,000 a year for the next 20 years.

"She wants to spend the money she won on her family, and she wants to give her own children an education if they want it", the translator reported.

Her American family is her husband, Manuel, 44, a laborer in New York, and two daughters, Miriam, 22 and Rosita, 5. The family back in Ecuador whom she has been helping consists of four brothers and five sisters.

Second-place winner of \$10,000 a year for ten years was Anthony Ingardona, a postman in Rockaway, and third-place recipient of \$10,000 a year for five years was William J. Trelease of Garwood, office manager for a trucking company.

STATE BIRTH RATE DROPPED IN 1976, ILLEGITIMACIES UP

New Jersey's birth rate dropped to the lowest in 100 years in 1976 while illegitimate births to teenagers climbed substantially, according to statistics released by the State Health Department.

There were 90,549 births recorded in New Jersey in 1976, an estimated birth rate of 12.2 per 1,000 persons, the lowest birth rate recorded in the State since 1876. In 1975, there were 91,457 births in the State, a rate of 12.3 per 1,000 persons.

However, the number of illegitimate teenage births has increased 5.4 per cent, with 7,069 births recorded in 1976, compared to 6,705 in 1975. Illegitimate births represented 58.1 per cent of all teenage births in 1976.

"In fact, while the total number of births irrespective of race has decreased by 24.6 per cent since 1970, the number of illegitimate births has risen 15.4 per cent", a Health Department statistician said.

Statistics for 1976 show an increase in the percentage of illegitimate births occurring among both the white and non-white population.

There were 5,535 white illegitimate births, compared with 5,274 such births in 1975, an increase of 4.9 per cent.

Nonwhite illegitimate births in 1976 jumped to 9,532, compared to 9,026 such births in 1975, or an increase of 5.6 per cent.

The Health Department's report noted the figures for the nonwhite population was "of more startling significance", pointing out that a total of 49.5 per cent of non-white births in 1975 were illegitimate. In 1976, the figure had risen to 51.2 per cent.

Sussex County recorded the highest number of births, followed by Cumberland, Ocean, and Gloucester. Bergen, Somerset and Union counties reported the lowest rates.

The report attributed the "dramatic decrease" in legitimate births since 1970 to "a propensity of more young marrieds toward having none, one, or perhaps no more than two children".

That, in turn, is reflected by the "greater knowledge and use of birth control methods, as well as the increase in abortions brought about by its legalization", the report said.

Other "contributory factors" cited were the high cost of living and, in particular, the high cost of education, as well as inflation.

COUNTIES GAIN SOLID WASTE AID

Gov. Brendan Byrne has approved more than \$700,000 in State grants for the development of regional solid waste management plans in 19 counties.

The grants were awarded under the State's Solid Waste Management Act, which requires the counties to submit management plans for the development of environmentally-sound solid waste disposal methods.

The act created 22 planning districts—one for each county and one for the Hackensack Meadowlands Development Commission.

Districts getting the largest grants of \$60,000 are Bergen, Essex, Hudson, Passaic, and Union counties, as well as the HMDC.

Eight other counties received grants of \$30,000; Burlington, Camden, Gloucester, Mercer, Middlesex, Monmouth, Ocean and Somerset. Atlantic, Cumberland, Hunterdon, Morris, Salem and Sussex each received \$18,750 in grants.

According to Byrne, Cape May and Warren counties are expected to receive awards shortly.

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ECONOMIC DEVELOPMENT HEAD NAMED

Governor Brendan Byrne recently announced the appointment of Harry Callaghan of West Orange as director of the Division of Economic Development in the State Department of Labor and Industry.

Callaghan was formerly vice president in charge of area development and urban affairs at First Jersey National Bank, Jersey City.

"We look forward to the benefits of Mr. Callaghan's experience in the area of economic development. His involvement in economic growth plans over the years will help to expand the concepts we have for New Jersey's financial future", the Governor said.

FUNDING FOR THE DISABLED

The State Department of Community Affairs will receive \$150,000 in State funds to help establish municipal and county recreational programs for the handicapped, Commissioner Patricia Q. Sheehan announced.

"The funds were made available by the Handicapped Person's Recreational Opportunities Act, which Governor Byrne signed into law in February", said Sheehan.

"A total of \$25,000 has been allocated for special events for the handicapped to be conducted at the local level, with each municipality receiving not more than \$1,000 and counties receiving a maximum of \$2,500 each", said Sheehan.